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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Human rights and extreme poverty

Report submitted by Ms. A.-M. Lizin, independent expert, pursuant to Commission resolution 1998/25

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INTRODUCTION

1. One fifth of humanity lives in absolute poverty. The General Assembly estimated in 1996 (resolution 51/178) that more than 1.3 billion people in the world, a majority of whom are women, live in absolute poverty, especially in developing countries, and the number of such people continues to increase.

2. In its resolution 1998/25, the Commission on Human Rights, recalling that the eradication of widespread poverty, including its most persistent forms, and the full enjoyment of economic, social and cultural rights and civil and political rights remained interrelated goals and deeply concerned that extreme poverty continued to spread throughout the world, regardless of economic, social or cultural situations, and that its extent and manifestations were particularly severe in developing countries, decided to appoint, for a period of two years, an independent expert on the question of human rights and extreme poverty with the following mandate:

(a) To evaluate the relationship between the promotion and protection of human rights and extreme poverty, including through the evaluation of measures taken at the national and international levels to promote the full enjoyment of human rights by persons living in extreme poverty;

(b) To take into account in particular the obstacles encountered and progress made by women living in extreme poverty as regards the enjoyment of their fundamental rights;

(c) To make recommendations and, as appropriate, proposals in the sphere of technical assistance;

(d) To report on these activities to the Commission on Human Rights at its fifty-fifth and fifty-sixth sessions and to make those reports available to the Commission for Social Development and the Commission on the Status of Women, as appropriate, for their sessions during the same years;

(e) To contribute to the General Assembly's evaluation in the year 2000 of the World Summit for Social Development by making his or her final report and conclusions available to the preparatory committee for the special session of the General Assembly devoted to that evaluation; and

(f) To make suggestions to the Commission on Human Rights at its fifty-fifth session on the main points of a possible draft declaration on human rights and extreme poverty so that the Commission can consider the possibility of initiating at the fifty-first session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities the drafting by that body of a text for examination by the Commission and possible adoption by the General Assembly, and to take into account in that regard, inter alia, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Vienna Declaration and Programme of Action, the Copenhagen Declaration and Programme of Action of the World Summit for Social Development, the Agenda for Development and the final report of Mr. Leandro Despouy (E/CN.4/Sub.2/1996/13).

3. By letter of 12 August 1998, the Chairman of the fifty-fourth session of the Commission on Human Rights informed Ms. Anne-Marie Lizin (Belgium) of her appointment as independent expert on the question of human rights and extreme poverty.

4. Since her appointment, the independent expert held permanent consultations with the Office of the High Commissioner for Human Rights and visited several countries (Albania, Bulgaria, France, Portugal and Yemen) where she held consultations with Governments, international organizations, United Nations bodies, Programmes and Funds, as well as key non-governmental organizations with extensive knowledge on human rights and extreme poverty.

5. In the present report, the international standards relevant to the eradication of extreme poverty, as well as States' obligations, are reviewed, taking into account the obstacles encountered by women living in extreme poverty. Actions at the international and national levels aiming at eradicating extreme poverty are also dealt with. Moreover, some national case studies were carried out. Finally, some interim conclusions and recommendations are drawn up.

I. EXTREME POVERTY AS A VIOLATION OF HUMAN RIGHTS

6. In 1996 the Special Rapporteur appointed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities Mr. Leandro Despouy, submitted his final report on human rights and extreme poverty (E/CN.4/Sub.2/1996/13). He concluded, inter alia, that the fight to eradicate poverty required not only detailed knowledge of the causes and factors which give rise to, aggravate and perpetuate it, but also of its impact on human rights and fundamental freedoms as a whole. It was essential to set in motion machinery for participation which involved the poorest at every stage of the policies devised to help them (para. 204).

7. According to the definition of extreme poverty endorsed by the Special Rapporteur in Annex III to his final report, "the lack of basic security connotes the absence of one or more factors enabling individuals and families to assume basic responsibilities and to enjoy fundamental rights. The situation may become widespread and result in more serious and permanent consequences. The lack of basic security leads to chronic poverty when it simultaneously affects several aspects of people's lives, when it is prolonged and when it severely compromises people's chances of regaining their rights and of reassuring their responsibilities in the foreseeable future".

A. International standards

8. The right to an adequate standard of living, ensuring freedom from want, is an integral and inalienable human right affirmed in the Universal Declaration on Human Rights, article 25 of which stipulates that

> "1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and

the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

"2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection".

9. Poverty and inequality are therefore violations of these human rights and others such as the right to life, the right to participate, freedom of expression and association, and the principle of non-discrimination. Poverty is the principal cause of human rights violations in the world. It also prevents people from assuming not only their duties as individuals, but also their collective duties as citizens, parents, workers and electors.

10. Further to the Universal Declaration of Human Rights, the International Covenants on Human Rights recognized that the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his/her economic, social and cultural rights, as well as his/her civil and political rights.

11. Article 6 (1) of the International Covenant on Civil and Political Rights proclaims that "every human being has the inherent right to life". The Human Rights Committee, in its General Comment 6 on article 6, noted that "... the right to life has been too often narrowly interpreted. The expression 'inherent right to life' cannot properly be understood in a restrictive manner, and the protection of this right requires that States adopt positive measures. In this connection, the Committee considers that it would be desirable for States Parties to take all possible measures to reduce infant mortality and to increase life expectancy, especially in adopting measures to eliminate malnutrition and epidemics".

12. In article 11 (1) of the International Covenant on Economic, Social and Cultural Rights, States parties recognized "the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent".

13. In addition, article 12 (1) of the International Covenant on Economic, Social and Cultural Rights recognized "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health". Steps to be taken by States parties shall include the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child; the improvement of all aspects of environmental and industrial hygiene; the prevention, treatment and control of epidemic, endemic, occupational and other diseases; and the creation of conditions which would assure to all medical service and medical attention in the event of sickness (art. 12 (2)).

14. Moreover, article 13 (1) recognized the right of everyone to education aiming at, inter alia, the full development of the human personality and the sense of its dignity. States parties shall strengthen the respect for human

rights and fundamental freedoms. Education shall also enable all persons to participate effectively in a free society. Primary education shall be compulsory and available free to all (art. 13 (2) (a)). Each State party shall undertake, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years to be fixed in the plan, of the principle of compulsory education free of charge for all (art. 14).

15. On the other hand, the International Convention on the Elimination of All Forms of Racial Discrimination stipulates that States parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment, inter alia, of economic, social and cultural rights, in particular:

"(i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;

"(ii) The right to form and join trade unions;

"(iii) The right to housing;

"(iv) The right to public health, medical care, social security and social services;

"(v) The right to education and training;

"(vi) The right to equal participation in cultural activities" (art. 5 (e)).

16. Moreover, the Convention on the Elimination of All Forms of Discrimination against Women establishes that States parties shall take appropriate measures to eliminate discrimination against women in the fields of employment (art. 11) and health care (art. 12), as well as other areas of economic and social life (art. 13). In addition, article 14 (1) stipulates that States parties "shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families." Article 14 (2) calls for measures to eliminate discrimination against women in rural areas in order to ensure that they participate in and benefit from rural development and, in particular, the right:

"(a) To participate in the elaboration and implementation of development planning at all levels;

"(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

"(c) To benefit directly from social security programmes;

"(d) To obtain all types of training and education, formal and non-formal, ... in order to increase their technical proficiency;

"(e) To organize self-help groups and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment;

"(f) To participate in all community activities;

"(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

"(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications."

17. Finally, the Convention on the Rights of the Child, recognizes in article 24 (1) the child's right to the highest attainable standard of health. In particular, States parties shall take appropriate measures:

"(a) To diminish infant and child mortality;

"(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

"(c) To combat disease and malnutrition through, inter alia, ... the provision of adequate nutrition foods and clean drinking-water ...;

"(d) To ensure appropriate pre-natal and post-natal health care for mothers;

"(e) To ensure that all segments of society ... have ... basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation ...;

"(f) To develop preventive health care ..." (art. 24 (2)).

In addition, article 27 (1) of the Convention on the Rights of the Child recognizes the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. Whereas the parent(s) or others responsible for the child have the primary responsibility to secure the conditions of living necessary for the child's development (art. 27 (2)), States parties shall take appropriate measures to assist parents to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing (art. 27 (3)).

B. States' obligations

18. Article 2 of the International Covenant on Economic, Social and Cultural Rights deals with the general obligations of States in the implementation of the rights recognized in the Covenant. In particular, article 2 (1) establishes that each State party "undertakes to take steps, individually and through international assistance and cooperation, especially economic and

technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures".

19. In its General Comment 3 (fifth session, 1990), the Committee on Economic, Social and Cultural Rights considers that article 2 (1) of the Covenant has set obligations of conduct and obligations of result. In this connection, article 2 (1) imposes two obligations of conduct which are of immediate effect: firstly, the obligation of undertaking to guarantee that relevant rights will be exercised without discrimination; and secondly, the obligation to take steps towards the full realization of the relevant rights within a reasonable time after the Covenant's entry into force for the States concerned.

20. The principal obligation of result reflected in article 2 (1) is to take steps "with a view to achieving progressively the full realization of the rights recognized" in the Covenant. The concept of "progressive realization" constitutes a recognition of the fact that full realization of all economic, social and cultural rights will generally not be able to be achieved in a short period of time. Nevertheless, it imposes an obligation to move as expeditiously and effectively as possible towards that goal. Moreover, any deliberately retrogressive measures in that regard would require the most careful consideration and would need to be fully justified by reference to the totality of the rights provided for in the Covenant and in the context of the full use of the maximum available resources.

21. The Committee is of the view that a minimum core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights is incumbent upon every State party. Thus, for example, a State party in which any significant number of individuals is deprived of essential foodstuffs, of essential primary health care, of basic shelter and housing, or of the most basic forms of education is, prima facie, failing to discharge its obligations under the Covenant.

22. It must be noted that any assessment as to whether a State has discharged its minimum core obligation must also take account of resource constraints applying within the country concerned. Article 2 (1) obligates each State party to take the necessary steps "to the maximum of its available resources". In order for a State party to be able to attribute its failure to meet at least its minimum core obligation to a lack of available resources, it must demonstrate that every effort has been made to use all resources that are at its disposal in an effort to satisfy, as a matter of priority, those minimum obligations.

23. The obligation remains for a State party to strive to ensure the widest possible enjoyment of the relevant rights under the prevailing circumstances. Moreover, the obligations to monitor the extent of the realization or non-realization of economic, social and cultural rights, and to devise strategies and programmes for their promotion, are not in any way eliminated as a result of resource constraints.

24. Similarly, even in times of severe resources constraints, whether caused by a process of adjustment, of economic recession, or by other factors, the vulnerable members of society can and, indeed, must be protected by the adoption of relatively low-cost targeted programmes.

25. A final element of article 2 (1) is that the undertaking given by all States parties is "to take steps, individually and through international assistance and cooperation, especially economic and technical". The phrase "to the maximum of its available resources" is intended to refer to both the resources existing within a State and those available from the international community through international cooperation and assistance.

26. In practical terms, States' obligations must be seen in the light of the assumptions that human beings, families or wider groups seek to find their own solutions to their needs. Therefore, States should, at the primary level, *respect* the resources owned by the individual or groups seeking to make optimal use of their own knowledge and the freedom of individuals and groups to satisfy their own needs. At a secondary level, States' obligations require active *protection* against other more aggressive subjects, such as protection against fraud or unethical behaviour. At a tertiary level, the State has the obligation to *facilitate* opportunities by which the rights listed can be enjoyed. At the fourth level, the State has the obligation to *fulfil* the rights of those who otherwise cannot enjoy their economic, social and cultural rights.

27. According to the Committee, Articles 55 and 56 of the Charter of the United Nations and the Covenant itself aim at international cooperation for development and for the realization of economic, social and cultural rights as an obligation of all States. It is particularly incumbent upon those States which are in a position to assist others in this regard. The Committee noted in particular the importance of the Declaration on the Right to Development and the need for States parties to take full account of all of the principles recognized therein.

C. Poverty, human rights and development

28. In adopting the Declaration on the Right to Development, the General Assembly, in resolution 41/128, recognized that development is a comprehensive, cultural, political, economic, and social process which aims at constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and the fair distribution of benefits resulting therefrom.

29. The right to development is an inalienable human right by which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development in which all human rights and fundamental freedoms can be fully realized (art. 1 (1)). The human person is the central subject of development and should be an active participant and beneficiary of the right to development (art. 2 (1)).

30. The World Conference on Human Rights, in the Vienna Declaration and Programme of Action, reaffirmed the right to development as a universal and inalienable right and an integral part of fundamental human rights. While

development facilitated the enjoyment of all human rights, the lack of development could not be invoked to justify the abridgement of internationally recognized human rights (Part I, para. 10).

31. The World Conference on Human Rights also affirmed that extreme poverty and social exclusion constituted a violation of human dignity and that urgent steps were necessary to achieve better knowledge of extreme poverty and its causes, including those related to the problem of development, in order to promote the human rights of the poorest, and to put an end to extreme poverty and social exclusion. To that purpose, it was essential for States to foster participation by the poorest people in the decision-making process by the community in which they live, the promotion of human rights and efforts to combat extreme poverty (ibid., para. 25).

32. The individual's active, free and meaningful participation in development and in the fair distribution of the benefits of development is the basis for the implementation of the 1986 Declaration on the Right to Development. Central to this approach is the realization that all human rights are interdependent and that durable economic and social progress requires civil and political freedoms and vice versa.

33. Implementing the Declaration on the Right to Development means adjusting basic needs strategies to a rights-based approach. According to the Vienna Declaration and Programme of Action, the existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights, so that its immediate alleviation and eventual elimination must remain a high priority for the international community (ibid., para. 14).

34. A basic needs strategy incorporates a certain element of charity, whereas a human rights-based approach not only defines beneficiaries and the nature of their needs but recognizes beneficiaries as active subjects and claim-holders and establishes duties or obligations for those against whom a claim can be brought to ensure that needs are met. The concept of claim-holders and duty-bearers introduces an important element of accountability. Increased accountability holds the key to improved effectiveness and transparence of action and as such offers the potential for "added value" flowing from the application of rights-based approach.

35. Addressing the fifty-third session (1997) of the Commission on Human Rights, the Secretary-General stated that "truly sustainable development is possible only when the political, economic and social rights of all people are fully respected. They help to create the social equilibrium which is vital if a society is to evolve in peace. The right to development is the measure of the respect of all other human rights. That should be our aim: a situation in which all individuals are enabled to maximize their potential, and to contribute to the evolution of society as a whole".

36. Consequently, the human right to development is related to all human rights but cannot be identified merely as the sum total of civil, cultural, economic, political and social rights. Economic growth can be a requirement for the realization of economic, social and cultural rights, but development is not restricted to economic growth, because not all forms of growth would b

compatible with development. The distinguishing criterion should be whether the processes of growth are such that they do not negatively affect civil and political rights and give better protection in terms of economic, social and cultural rights to the most vulnerable and impoverished groups.

II. UNITED NATIONS ACTION TO ERADICATE EXTREME POVERTY

37. The world conferences convened by the United Nations during the 1990s have focused on human needs and concluded that development should be sustainable and that priority should be given to the eradication of poverty.

38. At the World Summit for Social Development, held in Copenhagen in 1995, 117 heads of State and Government and the representatives of 186 countries stated, in the Copenhagen Declaration on Social Development and Programme of Action of the World Summit for Social Development (A/CONF.166/9, chap. I), that the eradication of poverty was an ethical, social, political and economic imperative of mankind. The Copenhagen Declaration and Programme of Action provides the substantive framework for the current drive for eradicating poverty and for planning the efforts of the United Nations system in support of the first United Nations Decade for the Eradication of Poverty.

39. The Summit also set specific targets, drew up plans and implemented programmes. Three years later, 78 countries have national plans to combat poverty or have included poverty reduction in broader national development plans.

40. In resolution 51/178, the General Assembly expressed its solidarity with people living in poverty in all countries and reaffirmed that the satisfaction of basic human needs was an essential element of poverty eradication, those needs being closely interrelated and comprising nutrition, health, water and sanitation, education, employment, housing and participation in cultural and social rights. Along the same lines, the Assembly reaffirmed in resolution 52/193 of 1997 that the causes of poverty should be addressed in the context of sectoral strategies, such as those on environment, food security, population, migration, health, shelter, human resources development, including education, fresh water (clean water and sanitation), rural development, productive employment, and the specific needs of disadvantaged and vulnerable groups, in such a way as to increase opportunities and choices of people living in poverty and enable them to build their strengths and assets so as to achieve social and economic integration.

41. As a result, poverty eradication has become one of the principal areas of concentration throughout the United Nations system. Both the United Nations Development Programme (UNDP) and the World Bank have made poverty reduction their predominant objective. Thus, the Human Development Report 1997 and the UNDP Poverty Report 1998, 1/ Overcoming Human Poverty (Vaincre la pauvreté humaine), were entirely devoted to eradication of poverty. The same applies for the Report on the World Social Situation 1997 and the Trade and Development Report 1997.

42. The World Bank believes that creating the conditions for the attainment of human rights is a central and irreducible goal of development. By placing

the dignity of every human being - especially the poorest - at the very foundation of its approach to development, the Bank helps people in every part of the world build lives of purpose and hope. 2/

43. Within the United Nations system, Overcoming Human Poverty, produced with help from the Organisation for Economic Co-operation and Development (OECD) and the World Bank, has defined four indicators to be used for measuring progress:

(a) Income poverty. The lack of minimally adequate income or expenditures. The global target is to halve the proportion of people living in extreme poverty by 2015. The indicator for this will be the poverty headcount ratio - the proportion of the population whose income or consumption falls below US$ 1 per day. On this basis, the required reduction is from 30 per cent to 15 per cent. Built into this target is the requirement that the depth of poverty should not get worse. In addition, each country may replace the US$ 1-per-day threshold with a nationally chosen poverty line.

(b) Relative poverty. Poverty defined by standards that can change across countries or over time. An example is a poverty line set at one-half of mean per capita income. The target is to increase the national consumption of the poorest fifth of the population.

(c) Malnutrition. The global target is that, by 2005, the proportion of malnourished children should halve by 2005 and halve again between 2005 and 2015. The indicator for this will be the proportion of children under five who are underweight.

(d) Literacy. According to UNICEF (The State of the World's Children 1999), there are some 855 million illiterate adults worldwide, two thirds of whom are women. Illiteracy among adults (15-24) must be reduced by three quarters by 2015 and the male and female rates must then be the same. This means that global illiteracy rates for men and women will have to be brought down to 8 per cent by 2015.

A. United Nations Development Programme

44. The Human Development Report 1997 introduced the concept of human poverty, which centres on a denial of the opportunities and choices most basic to human development, such as the opportunity to lead a long, healthy, creative life and to enjoy a decent standard of living, freedom, dignity, self-respect and the respect of others. From this perspective, poverty is a process and not a condition. The concept of human poverty looks at the potential of the most deprived and the resources they need to escape from poverty. It also takes account of gender inequality, which makes it possible to examine the way in which household resources - food, education and health services, but also productive resources - are shared among family members.

45. The human poverty indicator (HPI) developed by UNDP includes the proportion of adult illiterates, the proportion of people likely to die before they reach 40, and a third variable - described as a lack of decent living conditions in broad economic terms - represented by a composite sub-indicator

which in turn comprises three variables: the percentage of persons without access to drinking water, of persons without access to health services, and of children aged under five who are underweight.

46. Human rights and sustainable human development are interdependent and mutually reinforcing. Development is unsustainable where the rule of law and equity do not exist; where ethnic, religious or sexual discrimination are rampant; where there are restrictions on free speech, free association and the media; or where large numbers of people live in abject and degrading poverty. Similarly, human rights are enhanced when gender equity or poverty reduction programmes empower people to become aware of and claim their rights.

47. UNDP is developing a human rights-based framework in its anti-poverty pro-sustainable human development work. For this purpose, several strategies have particular relevance for human rights, such as targeting disadvantaged or excluded groups (women, children, minorities, migrant workers, people with HIV/AIDS), promoting partnerships with NGOs and civil society organizations, addressing governance issues and strengthening human rights national institutions.

48. Governance has been defined by UNDP as the exercise of economic, political and administrative authority to manage a country's affairs at all levels. Good governance is, among other things, participatory, transparent and accountable. It is also effective, equitable, and promotes the rule of law. Good governance ensures that political, social and economic priorities are based on broad consensus in society and that the voices of the poorest and the most vulnerable are heard in decision-making over the allocation of development resources.

B. World Bank

49. The World Bank defines extreme poverty as those living on US$ 1 or less per day. According to the World Bank, the incidence of poverty in developing countries and in countries with economies in transition fell slightly from 30 per cent in 1987 to 29.5 per cent in 1993. But the absolute number of the world's poor rose from 1.23 billion to 1.31 billion during the same year. The overwhelming majority of people living on $1 a day or less are located in sub-Saharan Africa, South Asia and China, but there are many tens of millions also in Latin America, the Caribbean and Western Asia. There is also considerable poverty in developed countries and in countries with economies in transition.

50. In addition, the World Bank estimated in 1998 that more than 3 billion people in the developing world still struggle in grinding poverty, and the number continues to grow. Every year nearly 8 million children die from diseases caused by dirty water and poisoned air; 50 million children are mentally or physically damaged because of inadequate nutrition, and 130 million - 80 per cent of them girls - are denied a chance to go to school. Today, 150 million children under the age of five are gravely malnourished; another 260 million suffer from anaemia or other vitamin or mineral deficiencies. According to the Bank, in 1998 11 million children will die

unnecessarily from diseases as simple and treatable as diarrhoea. Those children who do survive have little chance for education and the opportunity to escape poverty.

51. Consequently the Bank has placed health and education at the centre of its lending and advisory programmes in the social sector for the poor countries. In fiscal 1998 the Bank allocated to the social sector US$ 8,480 million out of total lending of US$ 28,594 million, including US$ 1.9 billion for health, population and nutrition; US$ 665 million for basic infrastructure such as water supply and sanitation facilities; and US$ 3.1 billion for education, placing greater emphasis on primary education for girls, the rural poor and linguistic minorities.

C. United Nations commitment to eradicate poverty

52. The Statement for Action to Eradicate Poverty, adopted by the Administrative Committee on Coordination in May 1998, reaffirmed that poverty eradication is a key international commitment and a central objective of the United Nations system. The ACC emphasized that poverty is a denial of choices and opportunities, as well as a violation of human dignity. It means lack of basic capacity to participate effectively in society. It means not having enough to feed and clothe a family, not having a school or a clinic to go to, not having the land on which to grow one's food or a job to earn one's living, nor having access to credit. It means insecurity, powerlessness and exclusion of individuals, households and communities. It means susceptibility to violence and it often implies living in marginal and fragile environments, not having access to clean water and sanitation.

53. The executive heads of agency were convinced that this situation is unacceptable as the world has the resources and the capacity to eradicate absolute poverty. Consequently, they reaffirmed that the United Nations system has an obligation to mobilize the will of the international community to achieve this goal.

54. According to the ACC Statement, protecting the rights of all to a minimum standard of living is good economics because investment in the poor, including women and children, offers the best guarantee of sustained growth and productivity gains in the future. In addition, eradication of poverty is today an indispensable condition for lasting peace. Without the full and effective participation of the poor in global growth, the challenges of peace and development will not be met.

55. The United Nations system must play a supportive and catalytic role in mobilizing the energies and resources of all development actors - Governments, the private sector, civil society, donors and, above all, the poor themselves - in the campaign against poverty. Taken together, development goals address the challenge of poverty eradication. They cover reductions in income poverty, child mortality, maternal mortality and child malnutrition as well as improvements in life expectancy and access to basic social services, especially among women.

56. The ACC also underscored that poverty cannot be eradicated without transparent and accountable government at all levels. Democratization and

enhanced protection of human rights are key components of good governance. It also called for the empowerment of the poor, their active involvement and participation in poverty reduction strategies and improved access by the poor to well-functioning institutions, such as those in the political and judicial systems.

57. Since poverty reduction can only be achieved through accelerated and sustained economic growth, Governments should carry out the necessary economic reforms which balance growth with social investments. Growth should be equitable, employment intensive and pro-poor, underpinned by sound policies to promote social justice and redress social inequities. It also requires special measures to increase the access of the poor to productive assets, including land and credit, and to make them economic, social and civil actors. Moreover, it requires sound environmental policies and access by the poor to resource- and energy-saving technologies and environmental education.

58. Natural disasters such as drought and floods, war, economic shocks and epidemics such as HIV/AIDS can result in serious losses for the poor - losses in jobs, incomes and assets. Society must be ready to provide safety nets in such circumstances. These would include employment and income-generating programmes, social assistance, targeted support for the elderly and disabled, programmes assisting the internally displaced, and food transfers.

59. The ACC stressed that empowerment, participation and social capital are important means for action against poverty, as well as ends in themselves. Mobilizing social capital calls for institutional changes which support empowerment of the poor and the full realization of their rights as citizens. It demands promoting the advancement of women, as well as of marginalized groups such as indigenous peoples, those living in remote areas and refugees. All countries should extend their full support to such strategies with a view to achieving development and peace by addressing the root causes of poverty.

60. International economic relations should emphasize economic access for the poor. This requires creating policies and conditions which would enable developing countries, particularly the least developed among them, to benefit from opportunities in trade, investment and technology transfer brought about by globalization. This also entails adopting creative approaches to debt management, relief and reduction in order to free up resources poor countries need to combat poverty. The flow and quality of official development assistance must also be improved.

61. An international campaign against poverty calls for continuing measurement and monitoring implemented with the participation of all affected groups. The executive heads were convinced that accountability, transparency and inclusion at all levels are integral to achieving the goals of poverty eradication.

62. Finally, the ACC reaffirmed that every organization of the system is committed not only to strengthening its own action, but also to working with others to fight poverty in all its forms. The executive heads agreed to identify areas for common action and build partnerships among concerned organizations.

D. Transfer of resources

63. The fight against poverty implies transfer of resources. In this context, it is important for donor countries urgently to reverse the decline in official development assistance to developing countries, which amounted to just 0.25 per cent of the gross domestic product in 1996, the lowest figure recorded in the last 50 years.

64. The anti-poverty effort will require a transfer of resources to the social sectors. Currently, the overall ratio is relatively low in developing countries: partial data suggest that about 13 per cent of national budgets are being spent on basic services. According to UNDP, the additional cost of combating poverty is about US$ 40 billion a year over the 10 years to 2005, including basic education for all ($6 billion; $7 billion according to UNICEF figures), basic health and nutrition ($13 billion), reproductive health and family planning ($12 billion), and low-cost water supply and sanitation ($9 billion). In a world economy of $25 trillion, poverty eradication is affordable. Most of the resources can come from restructuring existing budgets. For universal access to basic social services, about $30 billion could come from national budgets and perhaps $10 billion from international aid.

65. Moreover, the cost of closing the gap between the annual income of poor people and the minimum income at which they would no longer be in extreme poverty amounts to another $40 billion a year. So that to provide universal access to basic social services and transfers to alleviate income poverty would cost roughly $80 billion. That is less than 0.5 per cent of global income and less than the combined net worth of the seven richest men in the world. Lack of political commitment, not financial resources, is the real obstacle to poverty eradication.

66. In this regard, the General Assembly, in resolution 52/193, called upon developed countries to commit the agreed target of 0.7 per cent of their gross national product for overall development assistance and, within that target, to earmark 0.15 to 0.20 per cent of GNP for the least developed countries. Moreover, the Assembly called upon all donors to give high priority to the eradication of poverty in their assistance budgets and programmes, on both bilateral and multilateral basis. As the Secretary-General noted in his report on the implementation of the first United Nations Decade for the Eradication of Poverty, so far, only Denmark, the Netherlands, Norway and Sweden have met or exceeded the 0.7 per cent target (A/53/329, para. 50).

67. In the same resolution, the Assembly called upon developed and developing countries to allocate 20 per cent of their official development assistance, and 20 per cent of the national budget, respectively, to basic social programmes. It also reaffirmed that promoting access for all to basic social services was essential for sustainable development and should be an integral part of any strategy to overcome poverty. The 20/20 Initiative should include basic education, primary health care, including reproductive health and population programmes, nutrition programmes and safe drinking water and sanitation, as well as the institutional capacity for delivering those services.

68. In addition, the international community should continue its efforts regarding debt relief for developing countries, with a view to contributing to a durable solution to the debt problems of developing countries, particularly Africa and the least developed countries, and thus support their efforts to eradicate poverty. The total debt of developing countries has risen relentlessly from $1.6 trillion in 1993 to $1.9 trillion in 1995. Debt servicing payments contribute to poverty when public revenue is diverted from productive sector expenditure, such as education, health and physical infrastructure to debt servicing (ibid., para. 49).

69. According to the World Bank, for approximately 40 poor and highly indebted countries, official debt has grown so high that Governments are finding it difficult to both service their debt and make important investments in health and education. In September 1996 the Bank, with the International Monetary Fund, endorsed the establishment of the Heavily Indebted Poor Countries Initiative (HIPC). It focuses on debt sustainability and providing debt relief by all creditors, including multilateral institutions. The initiative cuts debt servicing payments within a sustainable development strategy, with particular focus on investments in primary health care and education.

70. However, it has become apparent to UNDP that the HIPC initiative has a number of shortcomings. One of the most serious is the measure of sustainability - which is based on the ratio of the total value of public debt to the value of exports of goods and services. Moreover, in order to benefit from the initiative, countries must demonstrate a six-year track record of structural adjustment. Given the slow progress of HIPC, UNDP has suggested that debt should be reduced to a level at which it no longer constitutes a significant obstacle to sustaining human development. Under this arrangement, basic human development expenditures would not be considered part of the fiscal base for debt-servicing.

71. The alternative approach would reduce debt to a level at which essential human development expenditures could be maintained. On this basis, the debt of 10 of the poorest countries would have to be reduced to zero - Burundi, Chad, the Democratic Republic of the Congo, Ethiopia, Mali, Mozambique, Niger, Rwanda, Sierra Leone and the United Republic of Tanzania. And for other countries it would have to be reduced by 80 per cent - Angola, Burkina Faso, Congo, Guinea Bissau, Madagascar, Nicaragua, Nigeria, São Tomé and Principe, Yemen, and Zambia. The total cost of debt reduction following these principles would be around US$ 160 billion, or double what is proposed in the HIPC initiative. Two thirds of this might be expected to come from bilateral agencies and one third from the multilaterals.

72. It is also encouraged to increase access to microcredit and related financial services for self-employment and income-generating activities for people living in poverty, in particular women in developing countries, particularly in Africa and the least developed countries. More than 500 million of the world's poor run profitable small and microbusinesses. Yet fewer than 2 per cent of low income entrepreneurs and producers have access to financial services. Too many are forced to mortgage their security by turning to money lenders who charge extortionate interest and threaten

harsh penalties. For both moral and economic reasons, reducing dependency on usury and widening access to credit at viable commercial rates is a high priority.

73. Several micro-credit experiences have been developed by the United Nations Secretariat, the specialized agencies and United Nations Funds and Programmes. Among them, "Sustainable Banking for the Poor" (SBP) is a joint programme by the World Bank, the Ministry for Foreign Affairs of Norway, the Swiss Agency for Development and Cooperation and the Ford Foundation aiming at building sustainable financing institutions that are effective in reaching the poor. Case studies in Asia, Africa and Latin America cover a wide range of types of institutions and programmes, including commercial banks, specialized banks, credit unions, non-governmental organizations and non-bank financial institutions.

74. In August 1997, UNDP created the Special Unit for Microfinance (SUM) to bring together, and build synergy between, the growing microfinance work of UNDP and established credit and microfinance activities. Since many microfinance institutions fail because they lack key support at the initial stage of their development, UNDP has contracted organizations such as the Grameen Bank and the Bangladesh Rural Advancement Committee (BRAC) to help them through extensive training and support.

75. UNDP has also set up a Small Grants Programme (SGP) within the Global Environment Facility (GEF), which has a number of projects reducing poverty in environmentally supportive ways. The programme aims to demonstrate the effectiveness of a decentralized funding mechanism based upon community participation and local decision-making in project design, implementation, monitoring and evaluation.

76. The "Assisting Communities Together" (ACT) Project is a new initiative of the Office of the High Commissioner for Human Rights designed to empower people at the local level to undertake activities to promote and protect human rights by providing small grants up to US$ 2,000. The project is highlighting the importance of local human rights initiatives which, though small in scale, can make a vital contribution to the improvement of the human rights record at the national and local levels. The pilot phase of the ACT Project has been launched in 26 countries.

77. Some 10 million women worldwide now have access to the microcredit system. Participants in the Microcredit Summit, held in Washington, D.C. in February 1997, undertook to see that the figure would be 100 million in 2005.

78. However, microfinance is not a magic formula for reducing poverty. Poor people have long been used to taking out small consumer loans, but it is harder for microcredit systems to help the poor to set up income-generating activities of any size (see A/53/223, paras. 13-15). Without successful income-generating activities that enable loans to be repaid, microfinance institutions find it difficult to survive; many of them were heavily subsidized in the past.

79. As the Secretary-General observed in his report on the role of microcredit in the eradication of poverty, credit needs to be supplemented

with access to land and appropriate technology. It also requires strong support from the public sector. In addition, lack of access to land is the most critical single cause of rural poverty, which dominates the poverty situation in some of the lowest-income countries. Yet, few countries have substantial land reform programmes (ibid., para. 16).

80. In conclusion, if microcredit is to play a strong role in development, it has to be perceived as part of a comprehensive programme of support to the small enterprise sector. This would entail Governments of developing countries formulating plans and programmes to support small enterprises in general, of which micro-credit should be an integral part (ibid., para. 32).

81. Finally, the United Nations is encouraging States to reduce excessive military expenditures on and investments in arms production and acquisition, in order to increase resources for social and economic development, in particular to poverty eradication programmes in developing countries, particularly African countries and the least developed countries. Serving a global community of 185 States and some 6 billion people, the United Nations has $4.6 billion a year to spend on economic and social development. This is the equivalent of 80 cents per human being, compared with the $134 a person spent annually on arms and the military. 3/

III. ACTION AT THE NATIONAL LEVEL

82. All Governments shall formulate integrated poverty eradication strategies and policies and implement national poverty eradication plans or programmes in a participatory manner, to address the structural causes of poverty, encompassing action at local, national, subregional, regional and international levels. Those plans should establish, within each national context, strategies and affordable time-bound goals and targets for the substantial reduction of overall poverty and the eradication of absolute poverty.

83. The United Nations Consultative Committee on Programme and Operational Questions (CCPOQ) adopted in September 1998 a matrix entitled "Freedom from Poverty: Actions and Partnerships" for inclusion in its Operational Activities Reference Manual. The matrix provides a common United Nations approach to poverty eradication and people-centred sustainable development. In particular, the following action areas are suggested:

(a) Creating a broad enabling environment to combat poverty and promote pro-poor economic growth (through both internal and external measures);

(b) Investing in and maintaining needed physical infrastructure, including infrastructure targeted for low-income communities;

(c) Promoting access to basic social services for all, including health, reproductive health and family planing services, education and sanitation, adopting special measures to reach women and children;

(d) Securing sustainable livelihoods for the poor, including access to productive assets such as credit;

(e) Advancing gender equality and equity, including the economic, legal and political empowerment of women;

(f) Ensuring sustainable food security in low-income households and the right to food;

(g) Regenerating the natural resource base on which the poor depend;

(h) Good governance and political empowerment of the poor; and

(i) Providing social protection for vulnerable people, including indigenous peoples.

84. The United Nations Development Assistance Framework (UNDAF) has developed a list of indicators to facilitate the United Nations system's assessments at the country level. Account has been taken of the World Summit for Children, the International Conference on Population and Development, the World Summit for Social Development and the Convention on the Rights of the Child. All United Nations Funds and Programmes conducting development activities in a country shall join together, under the leadership of the resident coordinator, to prepare UNDAF, in full consultation with the Government concerned as well as with civil society, local NGOs and international donors. Entities such as the specialized agencies and the Bretton Woods institutions are encouraged to join in the preparation of UNDAF, in order to maximize the United Nations system's collaboration in support of country priorities.

85. Some of these indicators are particularly relevant for the eradication of extreme poverty, among them the estimated population size by age and sex, urban-rural population distribution, life expectancy at birth, and mortality and fertility indicators such as infant mortality rate by sex, under-five mortality rate by sex, maternal mortality rate, total fertility rate and current population growth rate. Regarding health conditions, UNDAF indicators suggested were: proportion of the population with access to health services; proportion of under-five children underweight by sex; proportion of births attended by appropriately trained health personnel; contraceptive prevalence rate, by method and age; and HIV adult prevalence rate.

86. In addition, the World Social Summit set four immediate health and nutrition related goals: that by the year 2000, life expectancy should be not less than 60 years in any country; mortality rates of infants and children under five years should be reduced by one third of the 1990 level or 50 to 70 per 1,000 live births, whichever is less; reduction in maternal mortality by one half of the 1990 level; and attainment by all peoples of the world of a level of health that will permit them to lead a socially and economically productive life and, to this end, ensuring primary health care for all.

87. As regards education, UNDAF used indicators reflecting the basic educational status of the population, with emphasis on basic education. They are: adult literacy rate by sex; net primary enrolment ratio by sex; per cent reaching grade 5; and net secondary enrolment ratio by sex.

88. Since universal primary education is central in the fight against poverty, the World Social Summit set a target of universal access to basic education and completion of primary education by at least 80 per cent of primary school-age children by the year 2000. Enrolment in secondary education still remains unsatisfactory despite progress. Developing countries as a whole increased gross enrolment ratios from 42 per cent in 1990 to 46 per cent in 1993. In comparison, there is 95 per cent enrolment in the industrialized countries and in countries with economies in transition.

89. As regards the gender gap, in a majority of countries the illiteracy rate among women is significantly higher than for men. According to the World Education Report 1995 published by the United Nations Educational, Scientific and Cultural Organization, in 65 countries the gap between the male and female adult literacy rates is estimated to be higher than 10 per cent; in another 40 countries, it is estimated to be higher than 20 per cent. Adult illiteracy is still increasing in sub-Saharan Africa, Arab States and southern Asia, with women forming a substantial majority in each case.

90. UNDAF income and employment indicators are focused on how they affect people's well-being in terms of income levels, employment and poverty: GNP per capita and average annual growth rate for the last 10-year period (in constant US dollars); percentage of population below the poverty line by sex (and for those younger than 18 years old), calculated according to monetary value of the minimum food basket and food expenditures as a percentage of total expenditures; percentage of labour force engaged in agriculture, industry and services by sex and by status (employer, self-employer, employee and unpaid family worker); and percentage of children aged 10-14 who are working.

91. The World Social Summit set the goal of achieving food security for all. In the developing world, the absolute number and the proportion of undernourished people fell between 1990 and 1992, but in 30 countries the percentage increased. All in all, about 840 million people in the developing world were undernourished in the early 1990s. The situation was worse in sub-Saharan Africa, where the number of undernourished people doubled, affecting 43 per cent of the total population in 1990-1992. The World Food Summit in 1996 adopted as a target the reduction in the number of undernourished people to half the 1996 level by 2015. A mid-term review is to be held to ascertain whether it is possible to achieve that target by 2010.

92. UNDAF Habitat (housing conditions and people's access to supportive infrastructure) indicators shall include: percentage of population with access to adequate sanitation, safe drinking water and electricity; and number of people per room (excluding bathroom).

93. UNDAF environmental indicators shall include as: arable land per capita; percentage change in total square kilometres of forest land in the last 10 years; and percentage of the population that relies on traditional fuels for energy use.

94. Human security and social justice shall be checked against indicators showing whether social conditions provide personal security, such as freedom from violence and equitable opportunities for human development. Indicators shall refer to: number of victims of violence per 1,000 people by sex and

age; and number of persons in prison per 100,000 people. Indicators of gender inequality and any other inequalities, such as those by age and by ethnic origin, shall also be included.

95. Finally, United Nations Funds, Programmes and agencies should promote a policy of mainstreaming a gender perspective and use gender analysis as a tool for the integration of a gender dimension into the planning and implementation of policies, strategies and programmes on poverty eradication.

IV. STUDY CASES

96. In 1998, the independent expert visited five countries - Albania, Bulgaria, France, Portugal and Yemen - where she found that efforts to combat poverty had had positive results. Some of these States had enacted excellent legislation which could serve as a model for other countries. Comparative analysis of legislation, despite its limitations, can help to reduce the timescale for action considerably: this occurred, for example, with France's Act against Social Exclusion in France and Portugal's Guaranteed Minimum Income Act.

A. Portugal

97. The independent expert visited Portugal on 29 and 30 October 1998. Of all European countries, it is Portugal that has most recently tried to enact a range of instruments to combat poverty; these include the Act of 29 June 1996, introducing a guaranteed minimum income of 23,000 escudos per month, and targeting in particular women and children (who comprise 43 per cent of its beneficiaries).

98. The Act was accompanied by a decree-law establishing local boards (324 nationwide) to administer the guaranteed minimum wage; they are a key element in what is an example of good governance on poverty in the developed world, grounded in the reinforcement of the local mutual aid network by linking official administrators with community organizations.

99. Some 70,000 persons have also benefited from specific job training programmes. Job placement is a local responsibility assumed by private NGOs with seats on the local boards. Funding is provided partly by the State and in some cases from resources provided by the NGOs on the local boards.

B. Bulgaria

100. During her stay in Bulgaria, from 11 to 18 November 1998, the independent expert had meetings with the country's highest authorities and with all services responsible for combating poverty. As a country in transition, restructuring has undoubtedly taken its toll, but the Government is working with the World Bank and in close collaboration with the United Nations system on a serious anti-poverty programme, coordinated at the national level by UNDP.

101. A Social Investment Fund has been set up to create jobs through microprojects or small businesses. A law enacted in September 1998 aims to restore "health security" by 2000 for polyclinics and by 2001 for hospitals.

In addition, a guaranteed minimum income was established under an Act dated 1 September 1998 and in agreement with IMF, although it is very low (32,400 leva - 32 DM - per month).

102. Nevertheless, insufficient attention is paid to certain vulnerable groups such as the disabled, street children, those who have no access to school and Gypsy children, as well as very poor women - female unemployment in Bulgaria having risen from 52 per cent to 68 per cent.

103. The role of the National Council on Ethnic Problems should be promoted in order to increase direct participation by the socially excluded. The role of local communities in identifying poverty and providing welfare should also be developed. Lastly, the growing role of mafias and corruption rings should be carefully monitored, since their members are recruited from among the most disadvantaged.

C. Yemen

104. The independent expert visited Yemen between 11 and 14 November 1998 and met with high authorities and officials in charge of social welfare programmes. The National Report on Human Development for 1998 showed that social services expenditure has gone down, particularly in the health and education sectors, and that increased poverty has affected 51 per cent of the population. Between 1991 and 1996, wages also dropped by 70 per cent. The World Bank is blamed for not having protected the education and health budgets. On the other hand, it has taken positive action through the Social Development Fund, supporting microfinance, community programmes and the strengthening of civil institutions.

105. The Government has initiated a literacy programme, which also targets women; a birth control programme (which is not felt to be very effective, mainly owing to the cost of contraceptives); and the Social Development Fund, which provides the very poor with a minimum income of 100 rials (approximately US$ 1), to offset the effects of the World Bank's structural adjustment programme.

106. The Government has also established a National Human Rights Commission under the Ministry of Foreign Affairs, whose priorities are information on the rights of the child (radio and television campaign); information on education for girls (the same type of campaign); the separation of adolescents and adults in prisons; and the situation of women prisoners, many of whom are rejected by their families because they have been accused of adultery and whose only hope of survival is to stay in prison.

107. Lastly, a Social Welfare Fund provides social welfare in Yemen following the principles of decentralization and information. In 1999 the Fund's beneficiaries will number 350,000 of whom 70 per cent will be women (widows, divorcees or with no family).

D. Proposals for action and results of experience

108. Table 1 below shows the legislative initiatives to be promoted in combating poverty; table 2 reveals the relationship between human rights and extreme poverty.

Table 1

Legislative initiatives to be promoted

Country	1 Guaranteed minimum income	2 Micro-finance	3 Local authority involvement	4 Social investment funds	5 Occupational reintegration	6 Promotion of girls' education	7 Prisons (bills)	8 Legal aid	9 Involvement in information programmes for poorest of poor	10 Police	11 Anti-corruption act
France	X		X		X		X	X (goals: free legal aid)	X	X	
Portugal	X		X	X (pilot)	X	X			X	X	
Bulgaria	X	X	X	X (pilot)	X	X			X		X
Yemen	X	X	X	X	X	X	X (trial phase)		X		X

Table 2

Human rights and extreme poverty

Reference grid (part 1)

	1 Guaranteed minimum income (Act)	2 Micro finance and banking procedures in place	3 Local authorities with real power to help	4 Social investment funds	5 Social welfare-employment link through occupational reintegration
Recommended reference texts	French, Portuguese, Yemeni Acts	European Commission Com (1998) 527 final (and pilot legislation in Bulgaria)	Bulgarian and Portuguese Acts	Yemen Bulgaria	Belgian and Portuguese Acts
Civil and political rights (social dignity)			Bulgaria: local democracy essential in giving every citizen a say	Yemen: participation important: NGOs can propose projects to the Fund	Occupational reintegration is key to social dignity and helps escape from poverty and dependence (French, Belgian Acts)
Right to education	Allows enjoyment of right to education, in particular by covering cost		Portugal: local boards extremely important; receive government financial support	Yemen: Fund plays important role; piloted by National Bank	Training for recipients of guaranteed minimum income and obligation to place beneficiaries in employment programmes run by public authorities (France, Belgium) Portugal has National Fund for companies promoting reintegration
Right to housing	Good example of French Act	Provides basic income to meet cost of rent (Yemen, Bulgaria)	Bulgaria: Welfare tied to housing unit Portugal: Financial support for local councils	Yemen: Piloted by World Bank - well adapted	Local authority role in reintegration in Portugal (local reintegration boards)

	1 Guaranteed minimum income (Act)	2 Micro finance and banking procedures in place	3 Local authorities with real power to help	4 Social investment funds	5 Social welfare-employment link through occupational reintegration
Right to health	French Act (reference text), special section on medical welfare. In Yemen, sufficient for access to hospital	Pilot phase in Bulgaria, but still too little financing for projects for disabled	Bulgaria: drive to restore health security in 2000 for polyclinics, 2001 for hospitals	Yemen: support for primary health-care centres Bulgaria: pilot phase	
Right to financial assistance for food	French Act Portuguese Act (one-year pilot experiment) Yemeni Act (Social Welfare Fund)	Problems in Yemen (need to go through NGOs as banks refuse)	Portugal: local board with locally-elected members and NGO for initial social survey (in each town) Bulgaria and Yemen		
Women's rights	Equal rights to income for men and women (but linked to family situation)	Women's access to same financing: Yemeni banks reluctant Bulgaria developing	Portugal: wide powers Bulgaria: welfare for women	Women's access depends on family situation: great efforts made in Yemen	Portugal: compulsory enrolment in reintegration programme, for women as well

Table 2

Human rights and extreme poverty

Reference grid (part 2)

	6 Programmes to promote girls' education (reduction in cost)	7 Programmes in prisons (adolescents, release)	8 Legal aid for the poorest of the poor	9 Programme to involve the poorest (information on their rights)	10 Programme in police services	11 Non-corrupt tax and legal system
Reference	Yemen	Yemen	Belgium	Portugal	Belgium-Portugal	
Civil and political rights		Imprisonment of the very poor for not paying a fine. Should be abolished and replaced by other penalties	Priority aim in France, Portugal, Belgium	Outreach to churches, schools, mosques Locally and nationally elected representatives (Yemen) Special cases of illegals in Europe Bulgaria: National council on Ethnic Problems		As a matter of principle, combating corruption is an essential component
Right to education	Essential in Yemen to prioritize girls' schools of which there are very few Portugal: nursery schools recently introduced nationwide			Portugal: special training for the most disadvantaged groups, identified by local board (citizens education board) Bulgaria: special programmes with UNDP For the excluded, marginalized, retirees, single mothers and Gypsies		Releases essential financial resources
Right to housing						Releases financial resources

	6 Programmes to promote girls' education (reduction in cost)	7 Programmes in prisons (adolescents, release)	8 Legal aid for the poorest of the poor	9 Programme to involve the poorest (information on their rights)	10 Programme in police services	11 Non-corrupt tax and legal system
Right to health	Yemen: birth control programme (but contraceptives unaffordable)			Availability at health centres allows contact with poorest of poor		Releases financial resources
Right to food subsidy				Food-distribution centre	Police could be trained to give guidance to those who need the subsidy	Bulgaria: problem of Mafia, which uses poorest of the poor
Women's rights	First step in Yemen: minimum age for marriage Media campaign (TV spots) on rights of the child	Appalling situation of poor women in prison. Great need for care on release also		Prostitution: move towards ban	Need to set up "youth sections" in police services	

V. TECHNICAL COOPERATION

109. Technical cooperation programmes to ensure respect for the rights of the poorest of the poor should be available on request to any Government. Such programmes should include at least the following components:

A. Civil and political rights of the very poor

1. Police training in social work.

2. Creation of a women's section in each police department.

3. Legal-aid training for court officials and lawyers.

4. Training for prison managers and officials of ministries of justice.

5. Special training in women's prisons to encourage the establishment of reception facilities.

B. Education in and information on the rights of the very poor

1. Special resources to help reach the very poor to be provided under the programme implemented in collaboration with UNESCO (need for audio-visual aids and campaign).

2. Decentralized training for local authorities.

C. Economic, social and cultural rights

1. Training for political officials in the economic and social rights of the poorest of the poor.

2. General training for field workers in the special nature of extreme poverty.

3. Role of national human rights institutions in incorporating the rights of the very poor in the enjoyment of economic and social rights.

Right to food

4. Training for local authorities in providing outreach services for the poorest populations (reception and food-distribution centres).

Right to minimum income

5. Special training for local authorities responsible for conducting social surveys needed for authorization of minimum income, in order to avoid hostile or racist reactions.

Right to health

6. Training for hospital and health centre managers in receiving persons living in extreme poverty.

D. Breaking of prostitution rings

1. Special police training in breaking up prostitution rings.

2. Ban on slavery and prostitution should be effective.

Pilot technical cooperation projects could be implemented quickly in this area. Some of the Office of the United Nations High Commissioner on Human Rights (UNHCHR) framework programmes could be extended to deal with specific aspects of extremely poor groups. This would involve globalizing their aims or implementing pilot projects, such as the project to prepare a training manual for law-enforcement officials or that on the implementation of the United Nations Decade for Human Rights Education. Other programmes that could be used in this way include the one to promote national human rights institutions in Asia and the Pacific: Training Programme on Economic, Social and Cultural Rights; and the global project to promote and protect the rights of internally displaced persons.

110. It is also necessary to designate in each country a body of social experts to ensure that the Government implemented international recommendations concretely and effectively. It could be a department of the national human rights institution, if one exists and is in operation, and could comprise social and educational experts. It should be independent of the Government, like the national institution itself.

VI. WOMEN IN EXTREME POVERTY

111. Poverty hits women especially hard and leads to serious violations of their rights. Extreme poverty can be linked with prostitution and with the exploitation, both sexual and physical (forced labour), of young girls from very poor backgrounds (prostitution and slavery rings). Unemployment and illiteracy are also particular problems for women. Women prisoners' conditions are in general an affront to their dignity. Local traditions sometimes make birth control impossible or are demeaning to women (no access to employment, forced marriage, very low age of marriage, no civil status for girls, etc.).

112. In practical terms, it would be useful to set up a women's affairs section in each police department, since women account for a large percentage of the extremely poor and, once they begin to be criminalized, they are more likely than men to fall victim to abuse of every kind. Similarly, police training should include a special component on respect for women's rights.

113. The most shocking situation is without doubt that of women prisoners, particularly those who are extremely poor. Those in prison for debt never have the money to pay their debts or fines. One possible way of dealing with this would be to set up reception centres run by trained staff.

114. The exponential increase in prostitution is a reflection of the spread of poverty. Prostitution is a cancer that must be excised from the activities on which trafficking, Mafia operations and corruption are based. The ultimate goal is a complete ban on prostitution, for its very existence is an affront to women's dignity.

VII. CONCLUSIONS

115. Extreme poverty means denying the enjoyment of all human rights to 1.3 billion people in the world, a majority of them women, thus violating their human dignity. Poverty is therefore the most massive cause of human rights violations in the world. Human dignity and the international community cannot accept this situation any longer, because eradicating poverty is an ethical, social, political and economic imperative.

116. Extreme poverty is thus a violation of all human rights, striking as it does at the two main human rights principles: the equal dignity of all human beings and the principle of non-discrimination. The poverty trap in which the poorest of the poor find themselves shows how human rights are indivisible and interdependent: the right to an adequate standard of living, to housing, to education, to work, to good health, to employment, to the protection of the family, to respect for privacy, to legal status and registration as a citizen, to life and physical integrity, to justice and participation in political, social and cultural life.

117. Society must also alter the way it looks at the poorest of the poor: the sense of dignity that inspires the very poor is no different from the human dignity of any other person. The socially excluded do not feel that their dignity is recognized or respected, since the most common response they receive from society is a policy of welfare rather than human rights for all.

118. Deep poverty can exclude people from society, placing them in an illegal situation in their own country. Such people perceive social service or police intervention as actions they cannot appeal, since justice is by and large out of their reach. Society should see the poor as people who are capable of thinking, reflecting and having something to say about poverty, the world and human rights. A better understanding of poverty and better policies to eradicate it can be developed only by understanding the poor themselves and therefore by working in partnership with them.

119. Human rights must be the basis for any policy to combat social exclusion and poverty, for they are a powerful tool for creating social cohesion and genuine democracy. Social exclusion should therefore be looked at from the standpoint of the indivisibility of human rights; social policy should be tolerant of cultural diversity; a voice should be given to those who have no voice; and violations of the human rights of the most deprived should be outlawed in the same way as torture.

120. Bodies responsible for curbing poverty should therefore collaborate more closely with NGOs working with very poor groups in the field. The contribution of those living in extreme poverty could be of decisive importance in current thinking on "sustainable human development" and the right to development, especially since the concept of development is no longer viewed only from an economic standpoint, but also in social and cultural terms.

121. The ideas of the poorest of the poor are therefore perfectly in order in the debates taking place in various international organizations (UNDP, the World Bank, IMF, UNHCHR, UNCTAD, WTO). Efforts to increase cooperation among various bodies should also be increased and continued, not only within the United Nations system, but also with other international and regional bodies and with and among NGOs.

122. Poverty eradication must therefore be consolidated as an absolute priority throughout the United Nations system, in the context of the first United Nations Decade for the Eradication of Poverty (1997-2006), to be carried out at both international and national levels. Development strategies must take fully into account the realization of human rights, the indicators provided for, and the full participation of the poorest people, in particular women, in drawing up and implementing appropriate national plans of action.

123. Combating poverty is feasible, but it costs about $80 billion a year, which implies important transfers of resources through international cooperation. Donor countries should urgently reverse the decline in their official development assistance to developing countries, which amounted to just 0.25 per cent of GDP in 1996. The General Assembly call upon developed countries to commit themselves to the agreed target of 0.7 per cent of GNP for overall development assistance should be emphasized, as well as the Assembly's call upon both developed and developing countries to allocate 20 per cent of their official development assistance and 20 per cent of their national budget, respectively, to basic social programmes. The 20/20 Initiative should include basic education, primary health care, including reproductive health and population programmes, nutrition programmes and safe drinking water and sanitation, as well as the institutional capacity for delivering those services.

124. At the national level, it is the Government's political will that is the key to success. Implementation of the human rights of the very poor is not necessarily expensive. The poor may be found in every country; even rich countries have two categories, namely, poor indigenous populations and poor migrants from developing countries - asylum seekers, undocumented (illegal) migrants, and refugees, political or otherwise. In every case, the right to civil status extends the right to life to thousands of children (girls in particular) who live in extreme poverty. This simple right saves their life, for it keeps them away from those who traffic in human beings.

125. Combating extreme poverty and implementing the rights of the poorest of the poor involves designing and funding a range of basic social services which reach out to the very poor, and ensuring respect for human rights, in particular within the judicial system and by the police.

126. Our age is characterized by globalization, and the technical revolution underway must comprise democratic and social aspects. The implementation of human rights and the eradication of extreme poverty will mark the first steps towards global progress. Economic globalization must be conceived as a balance between the free market and the role of the State, in particular as regards the provision of essential social services.

127. One of the most important aspects of poverty is individual mobility: every two years, one third of poor people climb out of poverty but their place is taken by others. Poverty is thus a process rather than a condition. In addition, the poorest of the poor are frequently the forgotten groups in countries where there is no rule of law; the fight against corruption and for the rule of law is thus a fight for respect for the very poor.

VIII. RECOMMENDATIONS

A. Universal ratification of relevant instruments

128. The 54 States - with a total population of 2.5 billion - that have not yet ratified the International Covenant on Economic, Social and Cultural Rights, are urged to do so. Similarly, all States should be encouraged to ratify the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women. States should, on request, be able to receive any technical cooperation they may need from the Office of the United Nations High Commissioner for Human Rights.

129. Moreover, the draft optional protocols to the International Covenant on Economic, Social and Cultural Rights and the Convention on the Elimination of All Forms of Discrimination against Women, making it possible for their monitoring bodies to receive individual communications, are of great importance.

130. The protection of economic, social and cultural rights would be reinforced by the ratification of regional instruments, such as the European Social Charter (Revised), and the "Protocol of San Salvador" on economic, social and cultural rights.

B. Minimum guaranteed income

131. All domestic legislation should guarantee the right of every person to whom it applies to a guaranteed minimum income by making the necessary budgetary appropriations. This right would facilitate access to the individual rights that are the basis of essential social services: social and medical welfare, food, housing, employment, training, schooling, education and culture. Extreme poverty should under no circumstances be a justification for the violation of human rights. As regards health, the State should implement programmes covering primary health-care charges, hygiene questions and specific diseases connected with extreme poverty.

C. Resources

132. The international community should express its solidarity with third-world States by aiming to devote 0.7 per cent of the national budget to official development assistance. It should also encourage the 20/20 Initiative and a transfer of resources - international as well as domestic - from the military sector to the social sector.

133. The world economic situation would be more equitable if capital flows were regulated and the unsustainable external debt of the highly indebted poor countries cancelled, and if a start was made on the democratic reform of international financial and trade institutions.

134. The adoption of framework legislation on microfinance, acceptable to domestic banking systems and prioritizing women's needs should make it easier for microenterprises to embark on new projects and thereby create work and reduce poverty.

D. Local social welfare bodies

135. Local authorities, through their UNDP-based network of towns against poverty, are well placed to develop local social welfare facilities by providing them with the resources and the powers necessary to identify poverty and distribute welfare effectively. The role of local authorities in maintaining civil registers is also important.

136. Local institutions should also give citizens, including the poorest among them, opportunities to become involved and participate in decision-making processes by promoting more equitable, transparent and accountable institutions.

E. Occupational reintegration programmes

137. Job-creation programmes should set aside a number of jobs for the extremely poor. Domestic legislation should also promote policies to assist entry or re-entry to the labour market by prioritizing specific action on behalf of the poorest segments of the population: women, single mothers, children, migrants, members of minorities and indigenous populations, the disabled, internally displaced persons, older people and the homeless.

F. Human rights information and education for the poorest of the poor

138. Special human rights education techniques must be developed in order to reach persons living in extreme poverty, many of whom are illiterate. Information should be transmitted in a simple fashion, using national media and outreach techniques, by the local authorities in the areas where such groups live. This information should be supplemented by simple manuals and strip cartoons showing what services are available.

139. In addition, the human rights education components developed by UNHCHR for the United Nations Decade for Human Rights Education should be supplemented by materials suitable for extremely poor groups. Emphasis should be placed on the right to reject socially exclusive or racist behaviour on the right to food, to housing, to education and to health, and women's right to reject violence.

G. The poorest of the poor in prisons

140. Extreme poverty causes many persons to fall foul of the law, and it is they who constitute the vast majority of the prison population. After having served their term in prison, the poorest remain there because they are unable to pay their fines. Judicial procedure should therefore be adjusted to take account of this situation, alternatives to prison should be found and court officials given special training.

H. Access to justice

141. Each State should find specific ways of ensuring that legal aid and legal counsel is available free of charge to all persons living in extreme poverty. Appropriate training should be given to the experts concerned.

142. Alternatives to judicial proceedings, such as mediation, should also be encouraged provided they are free choices. Mediation must, however, be conditional on full respect for human rights and not become a substitute for judicial remedies; it could be used in both individual and group disputes, as well as to prevent disputes.

I. Social workers

143. Social workers have always been the main point of contact for the socially excluded, many of whom regard them as wielding enormous power and whose decisions can rarely be discussed or appealed. They should therefore be trained to assume a role as human rights agents and as experts on the lives of the poorest and most marginalized.

J. Technical assistance

144. A technical assistance programme to ensure respect for the rights of the poorest of the poor should be available to any Government on request. Special training programmes should be developed for social workers and court officials, as well as for members of the police force, since people living in extreme poverty regularly come into contact with the police in their daily life (through begging, stealing to live, or being homeless in the streets). Criminalization can be a very rapid process unless police officers have had suitable training. Relations between the police and welfare bodies should be the responsibility of a special police department.

K. Combating corruption

145. Corruption undermines democracy and disrupts the process of collecting taxes and redistributing them among those living in extreme poverty. Social democratization polices should be adopted to ensure respect for human rights in countries affected by corruption.

L. The impact of armed conflicts

146. Refugees and internally displaced persons - often the poorest of the poor - should be given priority in State social policy. Programmes to regularize the situation of undocumented migrants should be adopted by host

countries. Access to education is the key factor in integrating migrants, and contact with migrants' countries of origin also constitutes a promising approach.

147. International economic sanctions, particularly when imposed by the Security Council, should be conceived in such a way as to avoid aggravating conditions of extreme poverty in the countries concerned. In particular, they should be compatible with the effective exercise of human rights - and especially economic, social and cultural rights - by civilians.

M. Draft declaration

148. A meeting with the independent expert should be organized in 1999 in order to draw up for the international community the basic elements of a preliminary draft declaration on human rights and extreme poverty. The draft should use as its starting point the preamble common to the two international Covenants of 1966, as well as other relevant instruments which recognize that the ideal of the free individual, delivered from fear and poverty, cannot be achieved without the creation of conditions allowing each person to enjoy all human rights.

149. The draft should call on States to base their anti-poverty policy on human rights that aim at the eradication, rather than the reduction, of poverty. It should also provide guarantees for the future after poverty has been eradicated. State strategies, devised in partnership with the populations involved and their representative organizations, should aim at enabling the poorest of the poor to exercise the full range of rights and freedoms granted to citizens in their country.

Notes

1/ UNDP, Overcoming Human Poverty, New York, 1998. The information attributed to UNDP in the present report comes from this publication, unless ctherwise noted.

2/ Development and Human Rights: The Role of the World Bank, Washington D.C., 1998, p. 2. The information attributed to the World Bank in the present report comes from this publication, unless otherwise noted.

3/ UNDP, Human Development Report 1997, New York/Oxford, Oxford University Press 1997, p. 93.

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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Preliminary report of the Special Rapporteur on the right to education, Ms. Katarina Tomasevski, submitted in accordance with Commission on Human Rights resolution 1998/33

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Introduction

1. The mandate of the Special Rapporteur on the right to education was defined by the Commission on Human Rights in its resolution 1998/33 of 17 April 1998 as follows:

"(i) To report on the status, throughout the world, of the progressive realization of the right to education, including access to primary education, and the difficulties encountered in the implementation of this right, taking into account information and comments received from Governments, organizations and bodies of the United Nations system, other relevant international organizations and non-governmental organizations;

"(ii) To promote, as appropriate, assistance to Governments in working out and adopting urgent plans of action, wherever they do not exist, to secure the progressive implementation, within a reasonable number of years, of the principle of compulsory primary education free of charge for all, bearing in mind, inter alia, levels of development, the magnitude of challenge and efforts by Governments;

"(iii) To take into account gender considerations, in particular the situation and needs of the girl child, and to promote the elimination of all forms of discrimination in education;

"(iv) To make his or her reports available to the Commission on the Status of Women whenever they concern the situation of women in the field of the right to education;

"(v) To develop a regular dialogue and discuss possible areas of collaboration with relevant United Nations bodies, specialized agencies and international organizations in the field of education, inter alia, United Nations Educational, Scientific and Cultural Organization, United Nations Children's Fund, United Nations Conference on Trade and Development, and United Nations Development Programme and with international financial institutions, such as the World Bank;

"(vi) To identify possible types and sources of financing for advisory services and technical cooperation in the field of access to primary education;

"(vii) To ensure, to the extent possible, coordination and complementarity with the work carried out in the framework of Sub-Commission resolution 1997/7, in particular the working paper on the right to education by Mr. Mustapha Mehedi."

2. This preliminary report covers the first four months of the Special Rapporteur's work, (August to December 1998). Due to this limited time, the Special Rapporteur did not deem it useful to solicit information from Governments through some type of general request for information or a questionnaire. She thought that a great deal of time and effort would be

saved if she surveyed the information already available within the United Nations system, included the findings in her progress report, and then sought feedback in the form of additional information, comments and suggestions from Governments and other actors identified by the Commission.

3. The Special Rapporteur has started analysing the nature and scope of the right to education in this preliminary report by focusing on the corresponding governmental obligations. Her approach is to discuss these obligations on two levels: on the level of individual States as is customary, and also on the level of intergovernmental structures within which Governments act collectively. The latter raises important and, as yet, unanswered questions about the status of human rights within policies and practices of international development finance agencies and, in a broad sense, within international economic and fiscal policies. Her preliminary analysis of educational strategies focuses on the identification and elimination of obstacles - especially financial - to the realization of the right to education. She plans to deepen and broaden this analytical approach in her progress report. Her objective is to mainstream human rights by integrating the right to education into educational strategies and monitoring mechanisms.

4. The Commission emphasized the need to collaborate with the organizations and bodies of the United Nations system involved in the field of education and regional organizations as well as non-governmental organizations. The Special Rapporteur has therefore started contacting all relevant actors with a view to establishing collaboration.

5. The Special Rapporteur had planned to attend the Symposium on Human Development and Human Rights in Oslo on 2-3 October 1998 but was unfortunately prevented from participating and could only submit a written contribution. She attended a part of the 1998 Innocenti Global Seminar on Education: Basic Education: A Vision for the 21st Century held at the UNICEF International Child Development Centre, Florence, on 27-30 October 1998, and took part in the general discussion on the right to education by the Committee on Economic, Social and Cultural Rights on 30 November 1998. That was followed by her consultations with the Office of the United Nations High Commissioner for Human Rights on 2-3 December 1998. She will report on her subsequent activities at the Commission's fifty-fifth session.

6. The Commission attached priority to primary education, with the explicit objective to contribute to the attainment of compulsory primary education free of charge for all as required by international human rights law. This preliminary report deals only with primary education. The Special Rapporteur plans to include in her subsequent reports also secondary and tertiary education and, if the Commission so wishes, also pre-primary education, maintaining the focus on primary education.

7. Human rights education has been explicitly addressed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in the context of the Decade for Human Rights Education, including in the working paper by Mr. Mustapha Mehedi. 1/ In order to prevent duplication of anything that is already being done, the Special Rapporteur is not addressing issues dealt with therein and plans to take part in the follow-up to this Sub-Commission's initiative so as to ensure coordination of efforts.

8. This preliminary report begins with a brief overview of the work carried out within the United Nations system to enhance access to primary education. An emphasis is on the differences in terminology and underlying concepts and approaches, and the consequent need for the articulation and mainstreaming of the human rights approach to education. The overview ends by highlighting the increasing recognition of the financial obstacles to access to primary education, which serves as a link to the second part of the report, which presents a scheme for the analysis of governmental human rights obligations. One important dimension of education is singled out in the third part: the requirement to make primary education compulsory has been translated into domestic law by many more States than the right to education. Compulsory education, even if all-encompassing, does not necessarily translate into the realization of the right to education, however. A simple but crucial question - what does full realization of the right to education entail? - will thus orientate the work of the Special Rapporteur.

9. Gender considerations have been singled out by the Commission to merit particular attention and the Special Rapporteur has followed the Commission's emphasis by incorporating gender considerations into the body of the report rather than adding them as a separate section at the end.

I. WORK ON EDUCATION WITHIN THE UNITED NATIONS SYSTEM

10. As one person, the Special Rapporteur cannot possibly replicate even a small part of the work done by large international actors like UNESCO or UNICEF or the World Bank. She has interpreted her mandate to be intended to summarize for the Commission results of their work from the human rights perspective and to contribute to their work by furthering the clarification of the right to education so as to encourage their involvement in its further promotion.

11. The Special Rapporteur has established contacts with relevant bodies within the United Nations to familiarize herself with their on-going work as a basis for planning future collaboration. She is planning meetings with UNESCO in January 1999 and with UNICEF, UNDP and the World Bank in February 1999 so as to be able to supplement this report orally at the Commission's fifty-fifth session.

A. Creating a common language

12. The substantive mandate of the Special Rapporteur requires a regular dialogue with relevant United Nations bodies. Its implementation constitutes a considerable challenge because dialogue is impossible without a common language, while such a common language needs to be created. Linguistic variety prevails in the field of education and seems to be increasing. Working towards standardization of educational terminology and statistics on the basis of the right to education will constitute an important part of the Special Rapporteur's work, with the aim to develop strategies and indicators for the realization of the right to education.

13. The prevailing linguistic variety reflects different visions of what education should be. Education can be treated as a means for increasing the individual's earning capacity or for lowering women's fertility rates. Human

rights law specifies the purpose and objective of education, increasingly calling for the mainstreaming of human rights throughout the contents and process of education. From the human rights viewpoint, education is thus an end in itself rather than merely a means for achieving other ends. Some economists may, however, define education as efficient production of human capital and classify all its human rights dimensions as externalities. A definition of people as human capital obviously differs from defining people as subjects of rights. The contrast between the human rights and human-capital approaches is best illustrated by taking children with physical and learning disabilities as an example. The former may be excluded from school because providing wheelchair access, for example, might be deemed too expensive; the latter may be excluded from schooling because meeting their learning needs is deemed not to yield a sufficient marginal return on investment. This type of reasoning obviously challenges the very assumption of human rights, namely the equal worth of all human beings. The Special Rapporteur therefore attaches a great deal of importance to emphasizing differences between education and the right to education so as to create a background for advocating changes within education aimed at conformity with the human rights requirements.

14. Among economists, some might classify governmental funding for education as expenditure, others as investment. Both economists and lawyers may, explicitly or implicitly, define education as a commodity which is traded against a price rather than a right. These divergencies in terms and underlying concepts demonstrate the need for a consistent and comprehensive advocacy for the human rights approach to education so as to integrate human rights into the existing domestic educational policies and laws as well as into international strategies and monitoring mechanisms.

15. The variety of categorizations of levels and types of education further illustrate the need to promote the human rights approach to education. Terms used in worldwide educational strategies have changed with time. In the 1960s, the mobilizing slogan was UPE (Universal Primary Education) and in the 1990s it is EFA (Education for All); universal primary education was planned to be achieved by 1980 and basic education for all by the year 2000. The language of international educational strategies shifted from primary to basic education, different from the continued use of primary education in human rights. The term basic education was introduced by the 1990 Jomtien Conference 2/ and influenced the subsequent international and domestic strategies and statistical categories. UNICEF has affirmed that primary education is the core of basic education, but basic education goes beyond the confines of formal schooling to encompass non-formal education as well as early childhood education, including also "second chance" primary education for youth, adults and parents' education. 3/ Definitions of primary and basic education thus overlap but are not synonymous.

16. The varied terminology of educational strategies is reflected in the associated statistics. As is well known, international statistics do not follow the definition of the child as any person up to the age of 18. In the statistics on literacy, adulthood begins with the age of 15 while domestic laws on education have established a variety of age categorizations. The starting age for compulsory education seems fairly uniform worldwide and is set at 6 or 7, but the duration of primary school varies a great deal. The

duration of compulsory education (dealt with in more detail in Part III) ranges from 3 to 12 years but the age for basic education is 6 to 11 years. There is an obvious mismatch between the 6-11 age categorization for basic education and the original understanding of primary education in the human rights instruments with the 6-15 age range. The logic behind human rights requirements is that the minimum duration of education should extend further than 11 years of age, at least to the minimum age for employment. Another feature of age categorizations is that children above the school-leaving age may be classified as young people rather than children. Moreover, the minimum age for marriage, especially for girls, may also be set low, at 12 for example. The minimum age of criminal responsibility may be set at a low age of 7 or 8. Primary school-age children may thus be found at work, in marriage or in prison rather than at school, while these phenomena are not captured by the existing educational statistics. When not reflected in statistics, such phenomena tend not to be monitored and there is a great deal of risk that their existence will not inform international educational strategies.

17. Yet another area where a common language needs to be created is the equal right to education for girls. The existing quantitative data have identified three facets of the gender gap. The difference in male/female illiteracy rate is a reflection of the heritage of unequal access to education, the difference in male/female enrolment points to continuing unequal access, while the male/female difference in the completion of the full cycle of primary education indicates that getting girls into school does not necessarily lead to their staying at school. Manifestations of gender inequality evidenced by such data highlight the magnitude of the challenge but say nothing about the causes of the problem and gender analysis is thus necessary to identify the causes. The subsequent challenge is to specify the ends to be attained and thereupon the appropriate means, as well as monitoring mechanisms to ascertain whether the means employed are leading to the specified ends and corrective action is employed if this turns out not to be the case.

18. The foundations for responding to this challenge have been established and are embodied in the commitment of the United Nations to "double mainstreaming", namely the incorporation of both gender perspectives and equal human rights of women throughout the United Nations. The Commission on the Status of Women has called for the advocacy for gender equality and the enjoyment by women of their human rights. 4/ The United Nations has committed itself to highlighting "gender-based differences in women's enjoyment of their human rights" and to a rights-based approach to education. 5/ The Commission on the Status of Women invited the UNHCHR "to ensure that the equal status of all human rights of all women and the girl child are integrated into United Nations system-wide activities". 6/ This process involves a considerable conceptual, strategic and operational challenge. 7/

19. International strategies concerning education for girls have thus far alternated between different justifications: meeting girls' needs because these remain unmet to a larger extent than those of boys; enhancing the productivity or lowering the fertility of the future generations of women; and promoting equity or justice. The third justification has sometimes shared the human rights rationale of the equal worth and dignity of all human beings but not necessarily the human rights requirement of the elimination of all forms

of gender discrimination. The interdependence of human rights necessitates looking beyond the sector of education. The institutional responsibility for the elimination of gender discrimination within the United Nations or in individual States is a cross-sectoral issue. The development of a common language guided by elimination of gender discrimination as the goal and yardstick is the necessary first step towards a comprehensive strategy.

B. Strategies to achieve universal primary education

20. No assessment of the global experience in realizing compulsory primary education free of charge can be optimistic. Challenges for the future are formidable. Suffice it to recall that the 1990 Jomtien Conference was convened against the diminishing coverage of primary education in the 1980s, especially in Africa, and the Governments' reduced capacity to halt further retrogression. The Jomtien Conference was a historic event intended to enhance priority for basic education through global mobilization around time-bound targets. The Jomtien+5 meeting noted that "the downward trend of falling enrolments that we witnessed during the 1980s has been reversed". 8/ Reversing the retrogression of the 1980s necessitated domestic and international changes. While individual Governments were traditionally deemed capable of complying with their human rights obligations if they exhibited the necessary political will, the tumultuous 1980s showed that the political will of many Governments of developing countries was no longer sufficient. A great deal of global mobilization, within and outside the United Nations, was necessary to "adjust adjustment", to challenge and change the previous status of social investment, including primary education. The model of the 1980s had often treated the right to education as an unaffordable luxury, openly contradicting human rights obligations. Changes started in early 1990s, with the World Bank elevating the status of social expenditure in 1992 and establishing the Inspection Panel in 1993. 9/ While these changes give ground for cautious optimism, the recorded decline of lending for education in general and to Africa in particular point in the opposite direction. 10/ The Special Rapporteur plans to analyse the current policy and practice of the World Bank in the field of education, as well as their gender dimensions, in her progress report.

21. Following the Commission's emphasis on assistance to Governments in developing and putting into practice strategies aimed at making primary education universal and free, the Special Rapporteur plans to carry out a comprehensive analysis of the evolving policy and pattern of aid for education as a method of enhancing the capacity of Governments to fulfil their obligation corresponding to the right to education. The Jomtien Conference had inspired more than 100 Governments to elaborate Education for All strategies, and half of them secured international financial support for their implementation. International and foreign funding has remained, however, at no more than 3 per cent of national education budgets.

22. An increased proportion of aid has been allocated to education in the 1990s; bilateral aid for education grew from 9 to 11 per cent but remains much lower than the 25 per cent recommended by the UNESCO Commission. 11/ Moreover, with the steady decline of the overall volume of aid in the second half of the 1990s, aid for education did not increase in absolute terms.

23. Bilateral allocations to education range from a low 3 per cent to a high 34 per cent and are presented in Table 1. Details on the allocations within education are not yet available for all donors but, where available, show that basic education attracts merely one tenth, with only Germany, Sweden, Australia and the United States of America above that average. In her progress report, the Special Rapporteur shall analyse the policy and practice of bilateral and multilateral aid for education, including the status of basic education within it. Links between aid for education and gender policies will constitute a particular focus of her analysis.

Table 1. Bilateral aid for education

Donor country	Bilateral allocation to education (in per cent)
New Zealand	34.4
Australia	23.5
France	21.7
Austria	18.1
Ireland	18.0
Germany	17.8
Portugal	17.6
Belgium	13.8
Luxembourg	12.2
United Kingdom	10.1
Japan	8.9
Canada	8.8
Sweden	8.4
Spain	8.3
Finland	6.6
Italy	5.9
Netherlands	5.5
Denmark	5.2
United States of America	4.8
Norway	3.0
Switzerland	3.0

Source: OECD/DAC, Development Co-operation, 1997 Report, Paris, 1998, Table A45.

24. The potential of the 20/20 Initiative 12/ as a model of partnership based on the mutual commitment to prioritizing investment in social development, including basic education, merits particular attention. Such a mutual commitment reinforces the original idea of international cooperation as a method for the realization of human rights from the Charter of the United Nations. Moreover, its emphasis on basic education aims to remedy the proverbial imbalance in the allocation of resources in favour of non-basic, especially university education. If the claim of the 20/20 Initiative that "adequate resources for basic social services can be accommodated even under conditions of fiscal constraint" 13/ proves well founded, it will relieve from anxiety all those, including the Special Rapporteur, who fear that additional

funding is necessary to achieve basic education for all. The Special Rapporteur plans to carry out an in-depth study in 1999 and present her findings in the progress report.

C. Quantitative and qualitative data necessary for monitoring the right to education

25. A comprehensive policy for the full realization of the right to education is necessary for a design of an integrated monitoring mechanism. Such a policy is long overdue and the Special Rapporteur shall strive to contribute to its development. A unique task of Governments is to elaborate educational strategy, regulate education by setting and enforcing minimum standards, and carry out permanent monitoring and corrective action. This task, carried out by Governments collectively and individually, forms the background against which monitoring mechanisms are established. The challenge for the human rights advocates is to integrate the human rights dimensions of education, including the principle of non-discrimination, into educational strategies and monitoring mechanisms because the existing ones are not derived from international human rights law.

26. A merger between quantitative and qualitative data is necessary to assess the state of realization of the right to education worldwide, as the Commission requested.

27. The Special Rapporteur has therefore started reviewing the work of human rights treaty bodies relating to the right to education in order to analyse their interpretations of this right. She is collecting and analysing international and domestic jurisprudence relating to the right to education with the aim of supplementing the existing quantitative data with qualitative data on the nature and scope of the right to education in the practice of States. Moreover, even a casual overview of the work of other Special Rapporteurs demonstrates the wealth of information that is already available. Their coverage ranges from denials of freedom to establish schools, to obstacles for education in minority languages, to the role of education in preventing child exploitation and trafficking in children, or to the policies of individual States concerning the financing of primary education. Many facets of the right to education are thus being addressed by various human rights organs and mechanisms and form the basis for analysing its nature and scope.

28. The emphasis of the United Nations bodies working in education on the universal coverage of primary school ("getting all children to school") ought to be complemented by the parallel emphasis on the parental freedom of choice under international human rights law. Alongside human rights treaty bodies with the global reach, jurisprudence has thus far been generated within the Council of Europe and possibilities have been created under the African Charter on Human and Peoples' Rights. The Protocol of San Salvador 14/ is likely to generate jurisprudence within the Inter-American human rights system. The Special Rapporteur plans to review the experience of all regional systems in the interpretation and application of the right to education and include the findings in her final report. Her objective is to design a comprehensive monitoring scheme for the right to education.

29. Differences between monitoring education and monitoring the right to education can be illustrated by taking school enrolment statistics as an example. They are available for a large number of countries and are widely used as a yardstick to assess progress and retrogression in access to education. Figures reflect registration of pupils at the beginning of a school year and not school attendance. Data on enrolments are disaggregated by sex but drop-out and repetition rates are not. Drop-out rates may amount to more than half of the originally registered pupils, repetition rates may exceed one third. These are not yet disaggregated by sex and progress - or retrogression - in equalizing the completion of primary school by girls and cannot be monitored as yet globally, although UNICEF is steadily moving towards making such monitoring possible.

30. Moreover, enrolment data disaggregated by other internationally prohibited grounds of discrimination are not yet being compiled. Evidence that this is necessary is available. The 1997 Report on the World Social Situation does not use human rights language but acknowledges that "in almost all multi-ethnic countries the drop-out rates among some ethnic minorities are higher than that of dominant groups". 15/

31. Yet another human rights dimension of the right to education is not captured in the existing education statistics. Enrolment statistics tell us the number of children who are at school (or at least who registered at the beginning of school year) but not how many should be at school. This is a consequence of a high, but unknown, number of children who are not registered at birth, which is cloaked underneath the admirable capacity of international agencies to estimate their numbers.

D. Financial obstacles impeding access to primary school

32. The Commission defined the first substantive task of the Special Rapporteur as reporting on the status of the progressive realization of the right to education with a special emphasis on access to primary education. The Commission recognized the need to openly identify difficulties encountered in the realization of the right to education and the Special Rapporteur plans to review the existing state of knowledge about these obstacles. In her progress report, she will focus on school fees in primary school. These may be named differently as, inter alia, user charges, registration fees, or school maintenance levies, but whatever name they bear, their effect is to openly question the explicit intent of human rights law that primary education should be free.

33. The international human rights treaties posit that primary education should be free, with the exception of the European Convention on Human Rights. 16/ The requirement that primary education should be made free has not been repeated in recent international policies on education, however. The 1990 Jomtien Declaration significantly did not include such a requirement. 17/ The Jomtien Declaration used terms such as "access to education" or "meeting learning needs" instead of the right to education. Since the Jomtien Declaration was adopted less than one year after the Convention on the Rights of the Child, the two divergent approaches have impeded a uniform United Nations policy. Table 2 reproduces available data on the public expenditure on education with countries classified by its

proportion to the GNP. The purpose is to illustrate the convergence and divergence in the current pattern of expenditure worldwide. The figures are, of course, an indication of magnitude rather than precise measurements because of the immense complexity of compiling all necessary data and making such data comparable. In her progress report, the Special Rapporteur intends to analyse allocations to education as well as within education, and the policies and practices of international financial agencies concerning these allocations.

Table 2. Public expenditure on education in relation to GNP

More than 7 per cent of GNP	Barbados, Botswana, Canada, Denmark, Estonia, Finland, Jamaica, Kenya, Maldives, Namibia, Norway, Seychelles, St. Lucia, Swaziland, Sweden, Tajikistan, Ukraine, Uzbekistan, Yemen, Zimbabwe
Between 6 and 7 per cent	Belize, Bolivia, Czech Republic, Hungary, Ireland, Israel, Jordan, Kiribati, Kyrgyzstan, Latvia, Lithuania, Moldova, New Zealand, South Africa, Tunisia
Between 5 and 6 per cent	Australia, Austria, Belarus, Belgium, Congo, Croatia, Egypt, Fiji, France, former Yugoslav Republic of Macedonia, Gambia, Georgia, Iceland, Kuwait, Lesotho, Malawi, Malaysia, Malta, Mauritania, Mexico, Mongolia, Morocco, Netherlands, Panama, Portugal, Saudi Arabia, Slovakia, Slovenia, Spain, Switzerland, Togo, United Kingdom, United States of America, Venezuela
Between 4 and 5 per cent	Argentina, Bahrain, Bulgaria, Costa Rica, Cyprus, Ethiopia, Germany, Guyana, Iran, Italy, Kazakhstan, Mauritius, Oman, Poland, Russia, Thailand, Tonga, Trinidad and Tobago, Vanuatu
Between 3 and 4 per cent	Albania, Azerbaijan, Benin, Burkina Faso, Colombia, Comoros, Ecuador, Greece, Honduras, India, Japan, Korea, Peru, Qatar, Romania, Senegal, Singapore, Sri Lanka, St. Kitts and Nevis, Suriname, Turkey
Between 2 and 3 per cent	Bangladesh, Burundi, Chad, China, Chile, El Salvador, Laos, Lebanon, Mali, Nepal, Paraguay, Philippines, Uruguay, Viet Nam
Less than 2 per cent	Dominican Republic, Equatorial Guinea, Guatemala, Myanmar, United Arab Emirates, Zambia

Source: UNESCO, World Education Report 1998, pp. 156-159.

34. There is a great deal of disagreement about the optimal level of public expenditure for education. Proposals tend to converge at about 5-7 per cent

and reflect the practice of a large number of States. The absence of consensus around such a figure does not prevent, however, increasing agreement on three points. First, that public investment in primary education is necessary; second, "primary education ought to be a priority for public spending on education in those countries that have low net enrolment," 18/ and, third, allocations within education ought to prioritize primary education. Many States in which public expenditure for education is low, listed in the bottom part of Table 2, tend to exhibit also low enrolments at the primary school level.

35. Primary education should be free for children because they cannot possibly pay for themselves. This does not imply that education is free because schools and teachers' salaries have to be financed, it implies that primary education has to be prioritized in resource allocation. Direct charges in primary education, under whatever name, impose upon parents the obligation to fully finance the education of their children. The duty to financially contribute to the cost of primary education for all is spread among the whole population where education is financed by the State out of general taxation. Taxation exempts the poorest; those who do not earn enough to be liable to taxation are not taxed. Where fees are charged in primary school, those who are too poor to afford the cost are often not exempt from charges. Where exemptions are nominally provided for, they may be too cumbersome to comply with or too expensive to administer. The Convention on the Rights of the Child specifies for health that children should not be denied access to health services because of the inability of their parents to pay; one cannot find any indication that the Convention envisaged a lower standard to apply to primary education. The Committee on the Rights of the Child included in the reporting guidelines an item on "the measures taken to ensure that children, particularly those belonging to the most disadvantaged groups, are protected against the adverse effects of economic policies, including the reduction of budgetary allocations in the social sector." 19/

36. Reduced budgetary allocations led to a shift to cost-sharing, which has generated a great deal of opposition, especially for primary education. The Addis Ababa Consensus has emphasized the need to focus on government revenue, especially taxation, 20/ as the source of funding for basic education rather than cost-sharing or cost-recovery.

37. The absence of an enforceable claim upon a Government to allocate a specific amount to education highlights the need to focus on the procedure whereby allocations are decided upon. Human rights are seldom costed because human rights standards do not determine how much should be spent on specific items, but define substantive and procedural human rights standards, including for the process of decision-making. The exercise of political rights thus becomes the necessary instrument for attaining economic and social rights, imposing upon those who exercise them a duty towards others. University students are politically vocal, primary school age children are not, and the latter can easily be neglected in the allocation of resources. The proverbial preference for university students in budgetary allocations within education (in the extreme exceeding up to 1,000 times the allocation for primary education) vividly illustrates the necessity for introducing the human rights rationale into allocations. The Special Rapporteur feels that such a rationale could be introduced throughout the process of resource allocation,

from the policies of international finance agencies, 21/ to the domestic decision-making process, as well as inter- and intra-sectoral allocations.

38. Allocation of resources within education is often seen as a zero-sum game: increased allocation to primary education depletes higher levels of education of public funding with the corollary of increasing its cost for students and their families. Human rights education would face a considerable challenge if it ventured to reconcile, for example, an acquired right to free education for university students which may be depriving young children of access to any education whatsoever. How does one ensure that a culture of acquired rights is not reinforced through human rights education that only emphasizes one's own rights? Is there a way out of such proverbial zero-sum game that pits beneficiaries of public funding for education against each other? Can children enjoy their rights if adults do not accept their duties towards children? Such questions, in the opinion of the Special Rapporteur, merit an inquiry to find out how these dilemmas have been addressed, domestically and internationally.

39. The question of State funding for education necessitates inquiring into the societal acceptance - or the lack thereof - of the State's powers to raise revenue, including through taxation. A great deal of controversy has been generated with respect to the interpretation of the States' obligation to finance primary education. The requirement that primary schooling should be free of financial cost for the child has generated a great deal of consensus, but the requirement that primary school should also be free of financial cost for parents does not generate full consensus. One reason is the parental primary responsibility, financial as well as any other, for their children, affirmed in the Convention on the Rights of the Child. The Committee on the Rights of the Child asks reporting States to include their consideration of "the real cost for the family of the child's education." 22/

40. Official statistics on the costs of education are confined to public expenditure and exclude parental financial contribution to the education of their children. These costs are considerable even where no fee is charged in primary school. Mark Bray estimates that at least 20 per cent and often as much as 90 per cent of the financial cost of primary education is borne by the parents and/or families. 23/ Where no fee is charged in primary school, parents often have to pay the costs of school maintenance or make other financial contributions to the school or to the teachers. Even where these are absent, parents bear the costs associated with schooling such as books, meals, transportation or uniforms.

41. Any analysis of parental financial contributions towards primary education of their children ought to differentiate between their willingness and ability to contribute. Their inability to afford sending their children to school deprives children of access to primary education and highlights the essence of States' human rights obligations to be the provider of last resort. Parental choice may be exercised to the detriment of girls and requires States to act so as to alter the factors upon which parental choices are made. Efforts to increase primary school enrolment for girls have thus included subsidizing direct, indirect, and opportunity cost (namely, the loss of the value of the girls' work) for their parents and/or families.

II. GOVERNMENTAL OBLIGATIONS COROLLARY TO THE RIGHT TO EDUCATION: A TENTATIVE ANALYTICAL SCHEME

42. The starting point for the Special Rapporteur's analysis is the thrust of international human rights law whereby governmental obligations relate to human rights as whole, and include obligations to act and to react, to pursue specific conduct or to achieve a particular result. The basic framework of governmental obligations is outlined by a series of explicit guarantees of the right to education. The essential role of the State is to set educational strategy, determine and enforce educational standards, monitor the implementation of the strategy and put in place corrective action. Neither educational strategy nor educational standards are necessarily informed by the right to education; "education" and "human rights" are often separated both in law and in practice while "gender" is often yet another separate category. The Special Rapporteur plans a comprehensive analysis in her subsequent reports. At this stage, she only wants to map out the complexity of the existing human rights framework.

43. The International Covenant on Economic, Social and Cultural Rights prompted more than a dozen parties to submit reservations to its provision on the right to education, which ranges from acknowledgments that financial constraints to access to primary education were beyond the capacity of the State, to assertions that education should be treated as monopoly of the State, or that parents should be allowed to educate their children themselves, in their own home. 24/ The Convention on the Rights of the Child lays down the full scope of the right to education. The principle of non-discrimination is followed by general provisions on the access to education, its purpose and objectives, accompanied by specific requirements upon education to protect children from abuse and neglect or illicit use of narcotic drugs, and followed by safeguards against work that interferes with children's primary education. An illustration of the demanding nature and scope of States' obligations concerning education is the number and variety of reservations. 25/ They highlight the necessity of a continued effort to conceptualize governmental obligations so as to forge a global consensus.

44. Table 3 illustrates the two pillars of States' human rights obligations relating to education. The first obligation concerns enabling all children to benefit from primary education, enforcing access to school and school attendance by making primary education compulsory, and ensuring that primary education is free of charge. The last point is not shared among all regional human rights treaties, as Table 3 illustrates by including the European Convention because of its departure from other human rights treaties. The second obligation is shared among all human rights treaties and requires respect of parental freedom of choice.

45. The State's obligation to make primary education free of charge is frequently, albeit erroneously, associated with the State's provision of primary education. The State's obligation to make primary education free is in quite a few countries implemented through subsidies to a diverse range of primary schools.

46. Some countries have only public schools, others only private, while most have a mixture. The meaning of "private" varies a great deal. In its

broadest sense, it encompasses all non-State-run schools, some of which may actually be partially or even fully funded by the State. The assumption behind the term "private" is that all such schools are profit-making while many are not. The term is applied to formal and non-formal education, religious and secular schools, minority and indigenous schools, as well as schools for children with special needs.

Table 3. Primary education: specific human rights guarantees

Universal Declaration of Human Rights:	Universal Declaration of Human Rights:
Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory.	Parents have a prior right to choose the kind of education that shall be given to their children.
International Covenant on Economic, Social and Cultural Rights:	International Covenant on Economic, Social and Cultural Rights:
Primary education shall be compulsory and available free for all.	The States Parties to the present Covenant undertake to have respect for the liberty of parents ... to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, ...
	International Covenant on Civil and Political Rights: The States Parties to the present Covenant undertake to have respect for the liberty of parents ... to ensure the religious and moral education of their children in conformity with their own convictions.

Convention on the Rights of the Child:	Convention on the Rights of the Child:
States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:	No part of [articles 28 and 29] shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions ...
(a) Make primary education compulsory and available free for all.	
UNESCO Convention against Discrimination in Education:	UNESCO Convention against Discrimination in Education:
The States Parties to this Convention undertake to formulate, develop and apply a national policy which, ... will tend to promote equality of opportunity and of treatment ... and in particular: (a) to make primary education free and compulsory.	The States Parties to this Convention agree that: (b) It is essential to respect the liberty of parents, ... firstly to choose for their children institutions other than those maintained by the public authorities but conforming to ... minimum educational standards, and secondly, to ensure ... the religious and moral education of the children in conformity with their own convictions.
European Convention, Protocol 1:	European Convention, Protocol 1:
No person shall be denied the right to education.	In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

47. Some private schools are supplementing State-run schools and are established where they do not provide education in a particular minority language or religion, or do not accommodate children with physical or learning disabilities. Others are established as an alternative to State-provided education.

48. Parental freedom to opt out of State-run schools has been subject to a great deal of litigation. The Human Rights Committee has held that the State does not discriminate when subsidies for private schools are lower than those for public schools. 26/ The European Commission on Human Rights has held that States were not required to "subsidize private education of a particular type or level." 27/

49. The Special Rapporteur plans to analyse the States' practice in more detail and include the findings in her final report. She intends to review the existing quantitative and qualitative data on the pattern of primary schools (State/non-State, public/private, for-profit/non-profit/religious/secular) in different regions and countries, as well as the existing domestic and international jurisprudence concerning the freedom to establish and operate non-State schools and States' practice with regard to funding of non-State primary schools.

50. All three different roles of the State in primary education - regulation, funding, and provision - should be informed by a range of human rights obligations upon which primary education should be based, such as the principle of non-discrimination. To portray the complexity of Governmental obligations corresponding to the right to education, the Special Rapporteur has structured them into a 4-A scheme, denoting the four essential features that primary schools should exhibit, namely availability, accessibility, acceptability and adaptability.

A. Availability

51. The first State obligation relates to ensuring that primary schools are available for all children, which necessitates a considerable investment. While the State is not the only investor, international human rights law obliges it to be the investor of last resort so as to ensure that primary schools are available for all school-age children. In Africa children of primary-school age constitute close to half of the population and the majority is living in rural areas. Making primary schools available to dispersed rural communities, some of who may be nomadic, illustrates the scope of the challenge.

52. If the intake capacity of primary schools is below the number of primary-school aged children, legal provisions on compulsory education will not be translated into practice and access to education will remain a need or a wish rather than being a right. Investment in educational infrastructure requires considerable initial capital but yields benefits after a long time. The recurrent costs and maintenance of schools as well as teachers' salaries add to the cost. The full scope of investment necessary to make schools really rather than nominally available is hidden because the most frequent internationally used indicator - enrolment - does not capture what a real-life school may look like. A UNESCO/UNICEF pilot survey of primary schools in the least developed countries has revealed that electricity or piped water is an exception rather than a rule, while many children finish primary school without ever having seen a single textbook in their mother tongue. 28/ Changing this reality is necessary because nominally available schools are unlikely to attract children, as evidenced in parental assessments that their children would not benefit from schooling in such conditions or in children "voting with their feet" and opting out of school.

53. An interplay between non-availability of schools and parental choices often impedes the schooling of girls. There is a great deal of research targeting parental choices, but a paucity of information about the availability of schools for girls. Available schools may be open only to

boys - by law, in fact - while the existing educational statistics do not make this difference visible. It is impossible to determine whether the available schools have a sufficient intake capacity to enrol and retain all primary age school girls or not.

54. Programmes to remedy unequal enrolment of girls in primary school have encompassed both inducements to their parents and/or families and increasing the availability of schools for girls. The former is dealt with in the next section, the latter has included requirements upon primary schools to enroll a specific percentage of girls, establishment of special schools for girls, or the recruitment and training of female teachers. Experiences have shown that such initiatives yield results although the mid-decade review of Education for All found that "the gender gap in age-specific net enrolment ratios actually grew worse in the 1990s, except in the Arab States." 29/

55. Table 4 summarizes data compiled by UNICEF on the gender imbalance in net enrolment in primary school. This issue cuts across availability of school and access to the available schools by girls. In situations where schools are simply not available, most children will not have access to primary education. However, where too few schools are available they are obviously not equally available to girls. The gender gap diminishes with increased availability of schools and in quite a few countries girls' enrolment is higher than that of boys.

Table 4: Gender imbalance in net enrolment in primary school

Girls' enrolment as surplus or deficit in relation to boys' enrolment (in per cent)

More than + 10 per cent	Lesotho (+ 11 per cent), Trinidad and Tobago (+ 11 per cent)
+ 3 per cent to + 9 per cent	Mongolia (+ 3 per cent), Nicaragua (+ 3 per cent), Bahamas (+ 4 per cent), Dominican Republic (+ 4 per cent), Botswana (+ 5 per cent), Namibia (+ 7 per cent).
+ 1 per cent to + 2 per cent	Albania, Bahrain, Costa Rica, Denmark, Ecuador, El Salvador, Estonia, Fiji, Georgia, Haiti, Honduras, Hungary, Korea, Luxembourg, Malaysia, Panama, South Africa, United States of America, Yugoslavia
- 1 per cent to - 2 per cent	Belize, Bulgaria, Canada, Chile, China, Croatia, Former Yugoslav Republic of Macedonia, Guyana, Libya, Madagascar, Malta, Oman, Peru, Philippines, Poland, Qatar, Samoa, Saudi Arabia, Slovenia, Tanzania, United Arab Emirates, Zambia
- 3 per cent to - 5 per cent	Belarus, Eritrea, Indonesia, Kenya, Kyrgyzstan, Latvia, Somalia, Tunisia, Turkey, Vanuatu, Venezuela

- 6 per cent to - 9 per cent	Congo (- 6 per cent), Uganda (- 7 per cent), Algeria (- 8 per cent), Bangladesh (- 8 per cent), Bolivia (- 8 per cent), Burundi (- 8 per cent), Syria (- 8 per cent), Ethiopia (- 9 per cent), Djibouti (- 9 per cent), Iraq (- 9 per cent), Mauritania (- 9 per cent),
- 10 per cent to - 20 per cent	Cameroon (- 10 per cent), Comoros (- 10 per cent), Mozambique (- 10 per cent), Mali (- 11 per cent), Papua New Guinea (- 12 per cent), Senegal (- 12 per cent), Burkina Faso (- 13 per cent), Egypt (- 13 per cent), Iran (- 13 per cent), Laos (- 14 per cent), Niger (- 14 per cent), Gambia (- 18 per cent), Guinea (- 18 per cent), Morocco (- 19 per cent)
More than - 20 per cent	Democratic Republic of Congo (- 21 per cent), Central African Republic (- 22 per cent), Guinea-Bissau (- 26 per cent), Togo (- 26 per cent), Afghanistan (- 27 per cent), Chad (- 29 per cent), Benin (- 31 per cent), Nepal (- 39 per cent),

Note: In the following countries there is no difference between net primary school enrolment for boys and girls: Argentina, Australia, Austria, Barbados, Belgium, Brunei Darussalam, Cape Verde, Cuba, Cyprus, Czech Republic, Finland, France, Germany, Greece, Ireland, Jamaica, Japan, Jordan, Kuwait, Malawi, Mauritius, Netherlands, New Zealand, Norway, Paraguay, Portugal, Romania, Russia, Rwanda, Singapore, Spain, Sweden, Switzerland, United Kingdom and Uruguay.

Source: UNICEF, The State of the World's Children 1999, New York, 1998 pp. 106-109.

56. Table 4 confirms that the global pattern of gender imbalance victimizes girls. But it also illustrates the other side of the coin, namely the surplus of girls in the primary school in some countries. UNICEF noted that some primary schools, especially in the Caribbean, have difficulties in attracting and retaining boys, 30/ one reason being that teachers are dominantly female. The Special Rapporteur deems that a risk that one or two decades henceforth we might be designing strategies to increase the enrolment of boys highlights the necessity of articulating and implementing gender balance in the approach to the realization of the right to education. Leaving boys outside school may well become seen retrospectively as a criminogenic factor that we have inflicted upon ourselves through the lack of attention to gender balance in education. The well-known statistical profiling of criminality points to adolescent boys as the category most vulnerable to criminalization.

B. Accessibility

57. The second State obligation relates to ensuring access to available public schools, most importantly in accordance with the existing prohibition of discrimination. Non-discrimination is the overriding principle of

international human rights law and thus applies to civil and political, as well as to economic, social and cultural rights, as well as to the rights of the child which cut across these two categories. Non-discrimination is not subject to progressive realization but has to be secured immediately and fully.

58. In the field of education, there has been a great deal of concern regarding out-of-school children. Strategies and campaigns are often designed with the slogan "reaching the unreached". A crucial component which the human rights perspective introduces into this subject-matter relates to the difference between the unreached and the excluded. The lack of access to primary school may conform to the internationally prohibited grounds of discrimination when the excluded children share the same feature, be it sex, or language, or religion. Asylum-seeking and refugee children may be difficult to reach, but some may be excluded because the right to education is confined to citizens. Children with disabilities may be in practice excluded from school, whatever the law may say, because the buildings and classrooms make their access impossible. Children who are institutionalized may be excluded from schooling because the mandate and funding of the institution housing children excludes education.

59. The Special Rapporteur plans to collect and analyse the existing quantitative and qualitative information on the pattern of the lack of access to education in order to map out obstacles to the realization of the right to education. Within the United Nations, such information has thus far been systematically gathered only for girls and women.

60. With regard to girls, the right to education has been demonstrated to act as a corrective to the free market. Governments indeed have human rights obligations because primary education should not be treated as a commodity. There has been a growing acceptance of the necessity for States' intervention concerning access to primary education for girls. Many economists would refer to the reason for the State's intervention as a market failure. In its simplest version, it can be described as the unwillngness of parents to send their daughters to primary school because of the absence of an economic rationale to invest in their daughters' education. A demand for girls' education thus has to be created by providing economic incentives to parents. Such initiatives showed that conflicting expectations for girls deprive them of access to education. If they are required to perform household labour, the school schedule has to be adapted to the seasonal and daily rhythm of subsistence food production or family life. Since poor families depend on the work of each member of the family for their survival, combining school and work often proved necessary so as to make school really accessible for girls. Similarly, the ILO's experience in moving children from labour to school has demonstrated the advantage of shifting from the prohibitive and condemnatory approach to a human-rights-promoting investment. 31/ Enhancing children's access to school, as these examples illustrate, necessitates a considerable investment.

61. Such an investment goes beyond the financial resources needed to make primary education free. Early marriage and childbearing conflict with primary education and are often the main reasons for girls not completing primary education. The Charter on the Rights and Welfare of the African Child

requires States to ensure that girls who become mothers before completing their primary education "have an opportunity to continue with their education on the basis of their individual ability". 32/ Translating this obligation into practice often requires overcoming the denials of access to school for pregnant girls and very young mothers (when pregnancy is a disciplinary offence, for example), while overcoming this obstacle requires a well designed strategy for changing social norms through the mobilization of teachers, parents, community leaders, and pupils themselves.

C. Acceptability

62. Extreme views of the role of the State in education are embodied in treating the State as the sole funder and provider of education, with the other extreme deeming the State to be the regulator and facilitator rather than funder and provider. Much as in any other area, the extremes are rarely present in the States' practice and cloak the consensus around the regulatory role of the State, that is, its task to set and enforce educational standards. The right to education "by its very nature calls for regulation by the State, regulation which may vary in time and place according to the needs and resources of the community and of individuals". 33/ The State is obliged to ensure that all schools conform to the minimum criteria which it has developed as well as ascertaining that education is acceptable both to parents and to children.

63. Respect for parental freedom to have their children educated in conformity with their religious, moral or philosophical convictions has been affirmed in all general human rights treaties and is continuously subjected to litigation. The European Commission on Human Rights found that human rights law "requires the State actively to respect parental convictions within the public schools" 34/ in addition to the required respect of their liberty to establish and operate schools. The contents of educational curricula and textbooks raise endless controversies, but the existing jurisprudence demonstrates the increasing importance of human rights criteria in decision-making.

64. The language of instruction can preclude children from attending school. It has always created a great deal of controversy in education and this is not likely to diminish, on the contrary. Controversies span decision-making on the official language(s) of instruction for public schools, the teaching of as well as teaching in minority languages (as well as the recognition thereof), and the teaching of (as well as in) foreign languages.

65. The European Court of Human Rights has affirmed the right of the State to determine official languages of the country which are thus the languages of instruction in public schools but denied that there was a right to education in a language of one's choice. 35/ States have been required to respect the right of minorities to set up their own schools in minority languages since the time of the League of Nations. In 1919 the precedent was set by Poland in affirming, alongside education in minority languages in public schools, the right of citizens who were members of minorities to establish, manage and control schools at their own expense "with the right to use their own language and to exercise their religion freely therein" 36/ and that right was reaffirmed by the Permanent Court of International Justice. 37/

66. More than half a century later, dilemmas have increased rather than diminished. Demands that minority schools be made "free" (that is, State-financed) are often made but seldom granted. The right to be educated in one's mother tongue has been on the international human rights agenda since the 1950s and controversies intensified in the 1990s. The wisdom of unilingual education, even in one's mother tongue, has been challenged, adding a new item to this endless controversy. The financial implications of multilingualism in primary school have further exacerbated the existing controversies. The Special Rapporteur plans to analyse the existing experiences and summarize the findings in her final report.

67. From the rights of the child perspective, the obligation to make primary school acceptable goes far beyond parental freedom of choice or the language of instruction, and poses a great deal of challenge for all States. An ideal primary school should be child-friendly, based on the right of the child "to be curious, to ask questions and receive answers, to argue and disagree, to test and make mistakes, to know and not know, to create and be spontaneous, to be recognized and respected". 38/ The enormity of the task embodied in this vision clashes with the reality of schools that may be grappling with the lack of running water and sanitation, with the incompatibility of the school timetable with family and community life, or with violence against and among children.

68. Restrictions upon school discipline have considerably increased in recent decades to protect the child's dignity against humiliation or degradation. They were, and are likely to remain, subject to litigation. An attempt by parents (whose religious doctrine posited physical punishment of children as legitimate and necessary) to challenge Sweden's policy against corporal punishment of children forced the European Commission on Human Rights to revisit the issue that had already been the object of considerable litigation. The parents complained against the encroachment upon their "ability to express and implement their own convictions in the upbringing of their children" embodied in Sweden's 1979 law, which was "intended to encourage a reappraisal of the corporal punishment of children in order to discourage abuse". 39/ The Commission did not find that a general policy against corporal punishment amounted to a threat of indoctrination of children against their parents' conviction that corporal punishment was legitimate and necessary. The Committee on the Rights of the Child has consistently held that corporal punishment is incompatible with the Convention on the Rights of the Child, although the Committee's frequent reiteration of that view testifies to the fact that corporal punishment may be practised to discipline schoolchildren in many countries.

69. The importance of a vision of primary school in which all the rights of the child are fully implemented is to define the ultimate goal to be attained, without which a precise definition of the full realization of the right to education remains impossible.

D. Adaptability

70. What children should learn at school and how the learning process should be organized is the source of never-ending challenge and change. The usual approach is to review the contents and process of learning from the viewpoint

of the child as future adult, while the Convention on the Rights of the Child requires that the best interests of the child be given prominence. The choice in the Convention to refer to the best interests of the individual child highlights the need for the educational system to become and remain adaptable.

71. The countervailing pressures of globalization and localization in the 1990s highlight the need for adaptability. International flows of capital, information and trade are countered by the process of decentralization and/or localization in education, which facilitates responsivness to the local needs and affirmations of specific ethnic or linguistic or religious identities. Making education responsive to the immediate reality facing children in their own community and to the rapidly changing global realities is the challenge of the 1990s. Different ideas are being experimented with to move away from "the classroom-centred model designed to service a pre-industrial European society" 40/ that has remained the model for designing primary education much too long.

72. The knowledge, skills and values that the generation of future adults will need in their lifetime is not only unknown but unknowable. A balance between the exposure of children to the local and global community is complemented by their need to familiarize themselves with their own as well as foreign cultures. A focus on human rights education provides an opportunity to balance the previously prohibitory approach in international human rights law by a constructive one. A great deal of effort has targeted the prohibition of incitement to discrimination through prejudicial portrayal of racial or ethnic minorities, or migrants, or women and girls. An endless stream of projects aim at the revision of the existing curricula and textbooks or the creation of new ones so as to convey positive images rather than merely prohibiting negative ones. The International Commission on Education for the Twenty-first Century singled out as the first pillar upon which education should be founded "learning to live together by developing an understanding of others and their history, traditions and spiritual values". 41/ The ILO Convention No. 169 on indigenous rights posits the aim that "history textbooks and other educational materials provide a fair, accurate and informative portrayal" of indigenous peoples. 42/ One may anticipate that this process will encompass a review of the portrayal of indigenous women as well as men. The Committee on the Rights of the Child urged a changed image of women "in school textbooks by adopting suitable messages to combat inequalities, stereotypes and social apathy". 43/ The Convention against Racial Discrimination requires States to combat prejudices through education, the Convention on the Elimination of All Forms of Discrimination against Women to eliminate stereotypes. A recognition of the fact that women can be victimized by discrimination because of their race as well as sex, or because they are indigenous as well as female has become a noticeable feature of the 1990s. The process of revising school curricula goes on in quite a few countries so as to identify and replace discriminatory and/or stereotyped portrayal of girls and women. 44/

73. Promoting elimination of gender discrimination in education has become an area of rapid international, regional and domestic policy-making. A great deal of quantitative and qualitative data has been generated to document the plight of out-of-school girls while reviews of school curricula and textbooks promise to change the image of girls and women and thus help the new

generation avoid the stereotypes that we have all been raised with. Changes in the contents of education in the past few decades have been profound: from educating girls to be good housewives to freeing them from gender stereotypes to enable them to freely develop. The role of teachers is crucial and highlights gender imbalance in primary education - the absence of female teachers in some countries and their prevalence in others as illustrated in Table 5.

Table 5. Percentage of primary school teachers who are female

Above 90 per cent	Armenia, Bahamas, Georgia, Kazakhstan, Mongolia, Czech Republic, Italy, Latvia, Lithuania, Moldova, Russia, Slovakia, Slovenia, Ukraine
Between 75 per cent and 90 per cent	Australia, Austria, Azerbaijan, Botswana, Bulgaria, Colombia, Croatia, Cuba, Dominica, Estonia, France, Germany, Guyana, Hungary, Ireland, Israel, Jamaica, Kyrgyzstan, Lesotho, Malta, New Zealand, Nicaragua, Qatar, Romania, San Marino, Seychelles, Sri Lanka, Suriname, Saint Kitts and Nevis, Saint Lucia, Swaziland, United Kingdom, Uzbekistan, Venezuela, United States of America, Yugoslavia
Between 50 and 75 per cent	Albania, Bahrain, Belgium, Belize, Brunei Darussalam, Canada, Cape Verde, Chile, Cyprus, Denmark, Dominican Republic, Ecuador, Egypt, Fiji, former Yugoslav Republic of Macedonia, Greece, Grenada, Honduras, Indonesia, Iran, Iraq, Japan, Jordan, Kiribati, Korea, Kuwait, Madagascar, Malaysia, Myanmar, Namibia, Netherlands, Paraguay, Peru, Samoa, Saudia Arabia, South Africa, Spain, Saint Vincent and the Grenadines, Sudan, Sweden, Switzerland, Syria, Tajikistan, Tonga, Trinidad and Tobago, United Arab Emirates
Between 25 and 50 per cent	Afghanistan, Algeria, Burundi, Cambodia, Cameroon, China, Congo, Djibouti, Eritrea, Ethiopia, Gabon, India, Kenya, Laos, Malawi, Mauritius, Morocco, Niger, Nigeria, Oman, Papua New Guinea, Tanzania, Tunisia, Turkey, Uganda, Vanuatu, Zambia, Zimbabwe
Below 25 per cent	Benin, Burkina Faso, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Equatorial Guinea, Gambia, Guinea, Mali, Mauritania, Mozambique, Nepal, Pakistan, Senegal, Togo

Source: UNESCO, World Education Report 1998, pp. 144-147; the figures refer to 1995.

74. These two extremes highlight the necessity of adaptability: many international and domestic policies have been developed to increase the number of female teachers, but few to address the other extreme. There are few countries in the world that have established a policy of gender balance, namely the objective that the representation of one sex should not exceed 40 per cent without corrective measures being triggered. Table 5 shows that women constitute more than two-thirds or even more than four-fifths of primary schoolteachers in some countries. The risk of perpetuating marginalization rather than promoting equality was noted 40 years ago, in the very first report on discrimination in education within the United Nations. The report summarized reasons for women forming the majority of teachers in primary school as "the idea that women are particularly well suited to teach young children, the fact that teaching offers an outlet to women to whom many other careers remain closed, and the fact that men are attracted towards better paid professions". 45/

III. COMPULSORY EDUCATION: RIGHT AND DUTY OF THE CHILD

75. The 1959 Declaration of the Rights of the Child laid down the entitlement of the child to receive education, 46/ articulating the vision of the child of the time as a passive recipient of education rather than the principal subject of the right to education. The changed vision of the child as a subject of rights embodied in the Convention on the Rights of the Child is slowly being translated into domestic laws and policies. Compulsory education has been included in the Convention on the Rights of the Child because of its undoubted value, but it is much older that the concept of the rights of the child and reflects the vision of the child as a recipient of education, which can be imposed upon the child. Indeed the corollary of the governmental obligation to make primary education compulsory is the duty of the child to attend school. The Convention on the Rights of the Child presents a challenge to make compulsory education fully consistent with the full range of the rights of the child.

76. Table 6 presents a bird's-eye view of compulsory education by categorizing countries in which primary education has been made compulsory according to its duration from 3 to 12 years.

77. The capacity of Governments to implement compulsory school laws varies as do enforcement measures. Many target parents in the form of fines for their failure to secure enrolment or school attendance by their children. Some target children, however. Enforcement of compulsory education thus raises important human rights issues. The Convention on the Rights of the Child goes no further than obligating States to encourage school attendance; enforcement is not mentioned. Older human rights treaties, such as the European Convention on Human Rights, provided for detention of a minor by lawful order for the purpose of educational supervision, which mandated compulsory schooling in the narrowest sense of this term. The specific offence of truancy was created to punish the child for breaching the duty to attend school.

Table 6. Compulsory education

Duration in years	Country
12	Bahrain, Barbados, Belgium, Brunei Darussalam, Germany, Saint Kitts and Nevis
11	Antigua and Barbuda, Azerbaijan, Grenada, Israel, Kazakhstan, Malaysia, Moldova, Netherlands, New Zealand, Sri Lanka, Suriname, United Kingdom
10	Australia, Bahamas, Belize, Canada, Congo, Cook Islands, Dominica, France, Gabon, Guyana, Hungary, Jordan, Kyrgyzstan, Malta, Monaco, Namibia, South Africa, Spain, Saint Lucia, Venezuela, United States of America
9	Algeria, Armenia, Austria, Belarus, China, Comoros, Costa Rica, Cyprus, Czech Republic, Denmark, Dominican Republic, Democratic People's Republic of Korea, El Salvador, Estonia, Finland, Georgia, Ghana, Greece, Ireland, Japan, Kiribati, Korea, Latvia, Liberia, Libya, Lithuania, Luxembourg, Mali, Norway, Portugal, Russian Federation, Seychelles, Slovakia, Sweden, Switzerland, Tajikistan, Tunisia, Tuvalu, Yemen
8	Albania, Angola, Bolivia, Brazil, Bulgaria, Chad, Chile, Croatia, Egypt, former Yugoslav Republic of Macedonia, Iceland, India, Italy, Kenya, Kuwait, Malawi, Mongolia, Niger, Poland, Romania, Samoa, San Marino, Slovenia, Somalia, Sudan, Tonga, Ukraine, Yugoslavia
7	Argentina, Eritrea, Lesotho, Mauritius, Mozambique, Rwanda, Swaziland, Tanzania, Trinidad and Tobago
6	Afghanistan, Benin, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Djibouti, Ecuador, Ethiopia, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Indonesia, Iraq, Jamaica, Mauritania, Mexico, Morocco, Nicaragua, Nigeria, Panama, Paraguay, Peru, Philippines, Senegal, Syria, Thailand, Togo, United Arab Emirates, Uruguay, Vanuatu
5	Bangladesh, Colombia, Equatorial Guinea, Iran, Laos, Madagascar, Myanmar, Nepal, Turkey, Viet Nam, Zimbabwe
4	Sao Tome and Principe
3	Zambia

Source: UNESCO, World Education Report 1998, pp. 132-135.

Note: In Botswana, Bhutan, Fiji, Gambia, Lebanon, Maldives, Oman, Qatar, Pakistan, Papua New Guinea, Saudi Arabia, Sierra Leone, Singapore, Solomon Islands and Uganda, education is not compulsory, according to information available from UNESCO, while its status was uncertain in Bosnia and Herzegovina, Saint Vincent and the Grenadines, Turkmenistan and Uzbekistan.

78. The prevalence of compulsory primary education in the States' practice provides evidence of the States' commitment to ensuring that all children benefit from it. The existence of compulsory education is, however, indicative of the realization of only one component of the right to education, parental freedom of choice might not be recognized. Moreover, an extreme situation might exist if primary education is compulsory, provided against the payment of a fee in a uniform State-run school system from which parents do not have freedom to opt out. Education would thus not be "free" in many different meanings of this term.

79. Although the child is today treated as the principal subject of the right to education, the child is not party to decision-making on the realization of the right to education. International human rights law divides decision-making between the parents and the State. Each principal actor can - and routinely does - claim to represent the best interest of the child. The child's right to education is reflected in the duty of the parents, community and the State to educate the child as well as the duty of children to educate themselves. The inter-generational dimension is evidenced in adults designing education in the best interests of the child and, as often as not, disagreeing among themselves as to what the best interest of the child may be.

IV. CONCLUDING REMARKS

80. The 1990s have been a time of crisis-driven change in education. Many Governments - not only in developing countries - have been struggling with debt pressure, budget deficits, stagnant or falling revenue, and a great deal of effort was expanded to seek other-than-governmental funding for education. Blueprints for educational reform have been discussed at the global level within UNESCO or the World Bank or the Organization for Economic Co-operation and Development, as well as in many individual countries. The approaching turn of the century has made obsolete the many strategies which had "by the year 2000" in their title and shifted attention to designs for the twenty-first century. Education is a long-term process and the commitment should be equally long term and the Special Rapporteur intends to concentrate on a long-term vision of an educational strategy grounded in the right to education.

81. In this preliminary report, the Special Rapporteur has mapped out a range of issues that merit immediate attention, described the approach she intends to pursue and the initial framework for her analysis. She has also identified a number of issues that necessitate further study and noted that her focus will be to elucidate the full scope of the right to education by seeking an answer to the question: When is the right to education fully realized? A clear definition of the nature and scope of the right to education demands an in-depth study of the experience in putting into practice requirements of the international human rights law in different regions and countries, where the realm of the possible is delineated by the minimum acceptable standards which should be sought worldwide and the full realization of the right to education as the maximum standard.

Notes

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